MINUTES – JULY 20, 2020

The Caswell County Board of Commissioners met in regular session at 9:00 a.m. on Monday, July 20, 2020. The meeting was held electronically using Zoom Webinar software. Members present: Rick McVey, Chairman, David J. Owen, Vice Chairman, Sterling Carter, William E. Carter, Nathaniel Hall, Jeremiah Jefferies and Steve Oestreicher. Also present: Bryan Miller, County Manager, Brian Ferrell, County Attorney, and Debra Ferrell representing The Caswell Messenger. 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 COMMENTS

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

“My name is Nikki S. Turner. I am the owner of Calla Construction LLC, Calla Real Estate Brokerage LLC, and a proud member of the BYHS Class of 1993. I recently relocated back to Caswell County for the love, unity, and fellowship that I find in my hometown. I watched the Board of County Commissioners meeting dated July 06, 2020 with disbelief and a broken heart. The issue of the confederate monument around the square in Yanceyville was discussed. To my dismay, I came to realize that the county that I adore is governed by community members who do not understand or empathize with the emotional pain and negative feelings that the confederate monument invokes for African Americans. I challenge each member of the board to imagine you are the descendent of slaves. Every time you drive by a confederate monument (anywhere) or see a confederate flag, you are reminded of the horrors of slavery and the indignities your ancestors endured. All confederate monuments are reminders of a war that was fought to continue an era in which your mother was brutally raped, your favorite uncle whipped within inches of his life, and the brothers and sisters you loved dearly were shipped off to other plantations never to be seen again. The Civil War continues to evoke strong feelings on both sides. No, we cannot erase history, but we must learn from it and strive for a better future. Difficult conversations must be held. All of us must be willing to listen to each other, put ourselves in another man’s shoes, and work towards a greater good. Leaders are often called upon to make difficult decisions but isn’t this what leadership is all about? Several statements expressed at the July 6, 2020 meeting have led to unrest and quite honestly need clarifying: The first statement involved the exceptions evidenced to the relations of an object of remembrance specifically the “Public safety exception” (G.S. 100-2.1 (c)(3) states “ The limits on removal and relocation do not apply to “(a)n object of remembrance of which a building inspector or similar official has determined poses a threat to public safety because of an unsafe and dangerous condition”. Members of the Board stated that this exception does not apply. Why then, was a state of emergency recently declared for Caswell County limited to the area around the monument? The order states specifically that stated “Whereas, declaring a State of Emergency and imposing the restrictions and prohibitions ordered herein is necessary to maintain order and protect public health, safety and welfare, and to secure property.” The order was signed by Rick McVey, Chair, Caswell County Board of Commissioners; Bryan Miller, County Manager; Alvin Foster, Mayor, Town of Yanceyville; and Brian Collie, Town Manager. If there was no threat to public safety because of an unsafe or dangerous condition, why did the named elected officials deem it necessary to declare a state of emergency? Secondly, a statement about Caswell County’s racial demographics was made (61% White and approximately 32% Black). I am perplexed as to the relevancy of this statement. Members of the Board of Commissioners are elected officials. You represent all the citizens of Caswell County. You serve the constituency. Are you implying that all White citizens support keeping the monument location in our county? Are you implying that because that majority of Board members are White and the majority citizens are White, that African Americans have no voice? Thirdly, there was a statement made and I paraphrase, “it would cause more uproar to move the monument.” How can you presume to know that to be true? Upon what determination do you base that statement? For whom would it cause an uproar and why? Is celebrating a racist past where one group of people enslaved another more important than embracing respect, dignity, and inclusion for all? In closing, I respectfully request that the members of the Board of Commissioners revisit the monument relocation discussion. Do the research and listen to what people have to say. I am not asking that the monument be put away in storage but moved to a place more relevant to its place in history. Do the right thing because it is the right thing to do for all Caswell County residents…now and in the future. Embrace the future not the past! “The Lord requires that man acts justly, love mercy, and walk humbly with God? – Micah 6:8. May we strive to live this scripture daily and in our interactions with one another. We are our brother’s keeper?”

“Moderator Jerry O. Wilson, Sr., Cedar Grove Missionary Baptist Association, Inc. The Cedar Grove Missionary Baptist Association Executive Board, on the behalf of its 50+ member Churches, would like to address the concerns that we have about the Board of Commissioners meeting that consisted of the relocating of the Confederate Statute on the Court House Square in Yanceyville, NC. We were informed that the vote was 5-2 along racial lines, to keep the Statue in its current location. This Statue in its present location is a constant reminder of oppression, slavery and injustices that have been the plight of African Americans and non-white people. They’re made to feel that it is a portrayal of white terror against them. A young lady who moved here from up North spoke that when she first saw the Statue she was intimidated. And another young lady from up North said that it sent chills over her when she first saw it. Some people may not understand it, but many Blacks consider this statue to be a symbol of bigotry and terror. With these things in mind, the Monument should be moved to a place where it can be truly appreciated with other articles of history to tell its real origin and purpose. This would be in keeping with a spirit of acceptance, equity and unity.”

My name is Earnestine Hamlett. We, the Concerned Citizens of Caswell County would like to present the following information along with a request: The Civil War was a great struggle between the Union or Northern army and the Confederacy or Southern army. Eventually, the North won the war and slavery was abolished. The negative effects of slavery linger today. African Americans are legally “free” but still suffer injustices and indignities on far too many occasions and in far too many ways. The confederate monument on the town square is a visible and constant reminder of the horrors of a time in history when one man owned and mistreated another simply based on skin color. We are all American citizens. Civil Liberties cover the right that every citizen must receive fair treatment from his government. We, the Concerned Citizens of Caswell County seek “fair treatment” from our government. We respectfully request that the Board of Commissioners revisit the confederate statue discussion. We are also requesting a change in place for the statue. At the July 6th, 2020 Caswell County Commissioners' meeting, Mr. Ferrell, the county attorney informed the county commissioners of the general criteria for removing a statue of remembrance. A main criterion is that it poses a threat to public safety because of an unsafe and dangerous condition that continues to exist. On Friday, June 26 at 5 P.m. 2020, a proclamation declaring a state of emergency was declared by Caswell County and the Town of Yanceyville. The proclamation was intended to serve as a tool to help the Caswell County Sheriff’s Office prevent people from outside of Caswell County from congregating around the town square where a Confederate statue is erected in front of the Historic Courthouse. According to the commissioners’ meeting minutes of July 6th, 2020, a threat and dangerous condition existed on June 26th, 2020 in Caswell County. Therefore, the current and very recent conditions of the County Square meet the criteria for removing this statue. Its current location “poses a threat to public safety because of an unsafe or dangerous condition.” Also, in that same meeting, Commissioner S. Carter stated “Mr. Chairman, I just want to connect the dots on the ownership of the statue; the county of Caswell owns the statue. It was presented to the county commissioners’, so it is at our discretion to remove it or not. Mr. Ferrell (Board Attorney) responded, “So presuming that’s the case that the statue is not owned by a private party, the second of the three exceptions would be available. The decision is in your hands.” Board members…the decision is in your hands. These words are written on the Confederate Statue in Yanceyville: In whatever event that may face our national existence, may God give us the will to do what is right. We are asking you to have the will of God to do what is right!”

“Mr. Jerry Sykes, 896 Alvis Boswell Road, Yanceyville, NC. With all due respect to Commissioner Hall I ask him to recuse himself from any discussion, voting or any other business regarding changes made to rules or ordinances at Farmer Lake because of a possibility of a conflict of interest.  Since Commissioner Hall owns property that borders the County property of Farmer Lake lessening restrictions to land owners around the lake could increase the desirability and potentially the value of his land. At this time in our Country, when distrust of our leaders is at an all-time high I think we should steer clear of even a possibility of a conflict of interest. I respectfully ask   Commissioner Hall to recuse himself but if he does not I respectfully ask the Commissioners to delay any vote on changes to rules or ordinances at Farmer Lake until the commissioners can assess the possibility of a conflict of interest.  Thank You.”

“Vivian W. Blackstock, 165 Kirkwood Drive, Eden, NC. I, Vivian W. Blackstock would like to share my concerns about the relocating of the Confederate Statue that is located down - town Yanceyville, NC. I am very much in favor of relocating the Statue to another area so that it can be appreciated and it’s true meaning to taught and revealed to our grandchildren and young people in our homes and community. I don’t feel that it will take away from the Stature by moving it. I am sure it can be more appreciated and respected more if it is placed in a more historical area of Caswell, along with other figures of history. I also feel that as long as it has been there, it will be respected and received in another location wherever that location may be because it has served its purpose and we don’t have to make everything racial. My concern also is that we think before we allow this matter to shift to another in another direction. I am one hundred per cent in favor of relocating the Confederate Statue.”

“Vanessa Siddle Walker, Emory University, Atlanta, GA. Thank you for the opportunity to speak as all of us conduct business in different ways during the COVID19 crisis. I write in reference to your earlier discussion about the removal of the Confederate statue from a public space in Caswell County. Please allow me to share a few thoughts. I have fond memories of being on the square when my fellow Bartlett Yancey classmates were being inducted into the Beta Club. We wore diapers as “baby betas” and played games together on the square--black students and white students. I don’t think any of us paid attention to the Confederate statue in our midst. We were children coming of age in the 1970s, a time when segregation had fallen and all of us could be friends with little thought to the practices of discrimination that defined generations of interactions for our parents, grandparents, and beyond. We thought America was past all that, that the country had beat racism--so the symbol of a Confederate soldier protecting a southern way of life that would have allowed some of us to be owned by others of us—well, that was far from any of our minds as we rollicked as teenagers. I have now become a grown woman who has spent a career writing about southern history. In ways I never knew as a teenager, today I understand that Confederate monuments were placed in small towns throughout the south after the Civil War to celebrate those who did not believe the promise of liberty and justice for all that was the premise of American democracy. Ironically, many monuments were placed at the turn of the previous century *after* Blacks had made progress during Reconstruction and/or after Blacks had served valiantly abroad in World War I. In Caswell County, the Confederate monument was placed in 1921—immediately after America’s 1919 summer of racial violence when angry whites retaliated violently against black communities as Black soldiers returned to the U.S. and sought the rights they had put themselves in harm’s way to obtain for others in the world. Although some might argue that the Confederate monument in Caswell County uses language less divisive than that in some other small cities across the south, the language in the tribute nonetheless makes very clear that the monument supports continued belief in the rightness of white supremacy; thus, I find it hard to distinguish the fundamental beliefs of this monument from that of the other 140 Confederate monuments in North Carolina in other small towns. Indeed, the inclusion of “Dixie” among the songs sung at the unveiling of Caswell County’s monument in 1921 makes pretty clear that those women who raised the $3500 ($1000 of which was given with county money) intended that the Confederate soldier on the public square should teach future generations to revere the confederate veterans and the beliefs for which they fought. In this current era of a reversal of the gains in race relations made in the 1970s, I am in favor of the monument being moved to another location. The sad truth is that the soldier standing on the Yanceyville square pointing his gun at the north as he protects the southern way of life represents, in fact, men who were traitors to America’s celebrated Declaration of Independence. They may have genuinely believed in their cause as literacy levels were low at the time, but the reality is that they fought against the founding principles of the nation to which they would later return and seek to be reinstated. They also were people who violated the fundamental Biblical truth that all men are created in God’s image and that the economic prosperity of one should not be gained at the expense of treating another as less than a Christian brother. I do not believe there should be a place on the public square to celebrate those who violated these democratic and Biblical truths. I believe its removal to some non-public place is more appropriate. I would also suggest that $1000 of current public money be “given back”—perhaps by pouring money into some program allocated in the current era to teach Caswell County children of all hues about democratic ways to function in this country and, where appropriate, about the full teachings underlying Biblical faith. Why should I care, you might ask? After all, I have lived in Atlanta for almost 30 years. I care because I have spent a career advocating for children. I want new generations of Caswell County children to grow up the way I did in the county—in a space where all men and women can be valued and believe they can be part of the American dream. The inscription on the statue, written by Rev. James Preston Burke of Reidsville in 1921, encouraged the sons of Caswell County to “do what is right.” In the 2020 world of visible, hurtful, and abusive treatment of Black citizens, America’s public messaging matters—in small towns and across the world. We cannot advocate democracy and honor oppression—not if we seek to maintain our status as international leaders. To do what is “right” now for our future sons (and daughters) of Caswell County is to cease celebrating in a public, tax-payer space, a statue that violates who we say we are. I understand the decision to relocate the statue will be a painful one for some. I recently read a book by a white historian, Elizabeth McRae (*Mothers of Massive Resistance*), which chillingly chronicles the ways in which daughters of the confederacy intentionally, beginning in 1919, decided to hijack public school textbooks and create a version of American history that would celebrate the south. As I read her book, I realized that generations of white Americans have been victimized by a strategy that intentionally used schools and mothers to paint a romantic portrait of American history that dismissed the pain Americans caused other would-be American citizens. I understand that in seeking to be progressive and forward-thinking as a board, you will encounter the resistance of those who have been inculcated in this skewed history. However, as a current property owner in Caswell County and a tax-payer, I cannot side with the continuation of historical error. Rather, I would celebrate to see my home county join with Edenton, who removed its Confederate statue in 1961, or Reidsville, which moved its statue to another location. Even monuments at the State Capitol are finally coming down. The time is now to move past inaccurate histories. Thank you for the opportunity to add my voice to your deliberations. I am honored to still travel the country and world and hear people talk about Caswell County because of Caswell County Training School. It would be my joy also to be able to tell my colleagues that Caswell County is making history again—this time a leader in doing what is right because it is right for our country and county. All the best to each of you and many wishes that each of you continue to shelter safely.”

“Marionette Williamson Jeffers, 2449 Morningsdale Drive, Burlington, NC. Thank you for your service to the citizens of Caswell County. Thank you for the opportunity to address the Board concerning the Confederate statue on the Courthouse Square in Yanceyville. My name is Marionette Williamson Jeffers. I am a 1976 BYHS graduate and taught third grade at Oakwood Elementary School for 15 years. I currently reside in Burlington, NC but am still connected to Caswell County through my mother, sister, extended family, and friends who live there. I have fond memories of growing up in a rural area with a simple lifestyle. Serving on an elected Board is an enormous responsibility. It requires a commitment to serve all the people and the will to do what is right for the common good. The issue of the Confederate statue is emotional and divisive. Opinions are strong on both sides. I respectfully request that the Board revisit and reconsider its decision concerning the Confederate statue on the Courthouse Square. The current position of prominence is a reminder of the consequences of slavery and the Civil War, lynching, segregation, prejudice, and racism. While we cannot forget history, we must not cling to it as we move towards creating a better future. Relocating the statue is not minimizing its importance regarding the South’s history in the Civil War. It is demonstrating a will to embrace the future. This decision is a moral and ethical issue. It is also a “heart” issue. I implore every member of the Board to “search your heart”. You know Civil War history. You know that the South fought to defend and preserve slavery. You know what the Confederate statue stands for. Do you have the wisdom and fortitude to make the right decision because it is the right thing to do? Leadership is about making difficult decisions. Be courageous. Be bold. Lead Caswell County into an enlightened future that respects all citizens with a sense of justice, dignity, and inclusiveness. Thank you for allowing me to express my opinions.”

“Jessica King-Stamps, Providence, NC. It is with a great amount of hurt and pain that I draft this message. I was disappointed to say the least after learning the recent vote concerning the Confederate statue resulted in a 5-2 vote in favor of leaving it where it is. Does your concern and loyalties lie only with part of the constituency of this county? The approximate 37% of us who are African American clearly mean nothing to you. Our needs, our outcry, the continued systemic racism and increased assault on us as a people clearly means nothing to you. It is overwhelmingly striking that the vote regarding the removal of the confederate statue fell along racial lines. How very disappointing! You, elected officials, are sworn to uphold what is right and just and in the best interest of the citizens of this county. Does that only apply to the majority? Your actions plainly say yes. There is no justification or rationalization for continuing to allow a symbol that clearly represents hate, the enslavement of a people, and the desire to have an entire race of people seen and treated as less than human. The Confederacy was established to protect slavery by 11 states who did not want to lose the privilege of continued abuse and profit from the labor of another human being. Why should that sentiment be regarded in a place of prominence on our town square? This should NOT be tolerated. When we ask for support, follow proper channels, mobilize and peacefully protest, we are continually disregarded and disrespected. African Americans being a minority group in this county does not mean our contributions to it have been minor.  We are valuable members of this community and do not deserve to be ignored. You seem to find the energy to make appearances and promises when pandering for votes. But when it's time to stand up, to make tough decisions (although this one shouldn’t be hard) you continue to shrink in the background! When we need you to do what's right for our people, the outcomes continue to align with those in the majority! We are encouraged to use our voices but sirs, we are tired of screaming into a hurricane! I am respectfully asking you to reconsider your decision and in that thought process consider the long standing history of racism in this country, in this state, in this county and agree that it's time to make a change! Your vote is a direct reflection of your heart and sirs, many of you should be ashamed. This statue is a physical representation of longstanding hate and racism.  We should not want such a message to represent us as a county, us as a nation! But yet here we are, asking again, raising our voices again, begging for the privileges that others so freely experience and expect that they don't even recognize them as such. It's just the way it's supposed to be. Well sirs, I'm here to declare it's not the way it should be and its beyond time that our elected officials do something about it! Take action, remove/relocate the statue! Now is the time to stand up and consider the needs of the underrepresented in this county! Remove the statue! Send a message that all people matter in this county and not only those of the largest group.”

“Lucille Gwynn, A proud resident of Yanceyville, NC. I am writing this letter to encourage the removal of the statue on the Yanceyville Town Square.  I have called Yanceyville NC, my home for 57 years.  It saddest me to know that when family and friends visit Yanceyville, the confederate statue is the first thing they see when looking at the spectacular courthouse.  With the changing climate I highly encourage you all to remove the statue.  Place the statue in a location that if someone wants to see it they can go to that location.  I appreciate your time and your consideration on this matter.”

“Vickie Morrow. Thank you for your service to the citizens of Caswell County and for the opportunity to address the Board concerning the Confederate statue on the Courthouse Square in Yanceyville. My name is Vickie Blackwell Morrow and Yanceyville is my hometown.  I currently live in Burlington, NC, but I am a Board member of Dillard Educational and Economic Services, I support my home church, Yanceyville Missionary Baptist church, the Caswell Outreach Ministry, and I manage my property and family’s properties in Caswell County. I am a 1976 graduate of Bartlett Yancey Sr. High School and I am an Adjunct Instructor. The last letter that I wrote regarding Caswell County was to the Caswell Messenger entitled “*Caswell County: Home Sweet Home*”.  My parents moved to New York when they were younger, but quickly returned to Yanceyville.  As a young child, I could not understand why they made their decision.  As I have grown older, I recognize the value of community, neighbors, and southern hospitality. I wrote the article to the Caswell Messenger in the 90’s while stationed with the USAF in Montgomery, Alabama.  I wrote it after a discussion with Montgomery natives about growing up in the south.  The people in the discussion were my age, yet they had marched as children in the Children’s Crusade in Birmingham, Alabama.  They had friends who had been killed during the bloody, violent days of the Civil Rights movement, and they had endured the divisive era of Governor George Wallace.  After listening to their experiences, I realized how fortunate I was to have grown up in Caswell County. I shared with this group that I knew racism existed, but I could not relate to their experiences. They were in disbelief.   My parents and older siblings had been the victims of vicious acts of racism, but they kept some things from the younger ones. Strict parenting sheltered us from many of the evils of racism.  We were told to “stay in the yard”.   When we did venture "up town", we were told to stay on one side of the street or if we were in the car, we were told to stay in the car.  We were ordered to stay away from the Courthouse.  When we traveled up north, we traveled during the night and slept in the car.  I thought my Dad did not want to spend money on hotels.  I did not know that we were not allowed to stay in hotels. I did not realize that my parents were protecting us from racial profiling, from seeing “Whites Only” signs and other forms of discrimination. When my friends told how land had been taken away from their ancestors, I explained to them that my family owned a 128-acre farm in Caswell County that has been in the family since after Reconstruction.  I shared with them that in Caswell County, Whites and Blacks lived in the same neighborhood; some lived right next door to each other.  I told them how Mr. Atwater dressed up as Santa Claus on Christmas Eve and brought us treats.  There were times when my Dad who drove an 18-wheeler was stranded up north during snowstorms and could not make it home for the weekly grocery trip to Red and White.  However, my Mom went to Red and White, purchased groceries and did not pay a dime.  My Dad settled the accounts with the Fosters when he returned.  When I was trying to decide on a college, Mrs. Pointer recommended Elon College, paid my application fee, and mailed it to Elon.   Later on, Caswell County honored my mother with Inez Blackwell Day, where town and county leaders paid tributes to her.  Each Christmas the Mayor visited my parents with a gift of a Honey-Baked ham, and he was one of the first to arrive at the funeral home when my Mother passed. This was Caswell County:  Home Sweet Home.  It was far from perfect and had its racial problems. But, just one year after integration, when other schools faced continued racial strife, my sister was elected as Senior Class President at Bartlett Yancey Sr. High School.  When I compared the transition to integration with my friends in Montgomery, Alabama and even with my husband who lived one county over, Caswell County tried to get it right. Therefore, I was surprised to learn the results of the County Commissioners' vote which leaves the Confederate statue on the square.  Some argue that this statue is a tribute to heritage and southern pride. But each of us have a heritage and we all have southern pride. U.S. Senator Bedford Brown and State Senator Calvin Graves have historical markers in front of their homes.  These men are part of my heritage. They owned my ancestors but when I attempt to trace my ancestry, I can only go so far, because many of my ancestors were sold like livestock.  Each time I drive by those historical markers and the statue on the square, I am reminded of the tears my ancestors shed as their young children were sold away from them.  “Many of the Confederate statues were erected in the early 1900s, and then again in the 1950s and 60s. Both were times of extreme civil rights tension.”  The statue on the Yanceyville square which was erected in 1921 has an inscription which states “*To / The sons of Caswell County / who served in the war of 1861-1865 / in answer to the call of their country*”.  Just recently Chairman of the Joint Chiefs of Staff Gen. Mark Milley stated that what they did “*was an act of treason at the time against the union, against the stars and stripes, against the U.S. Constitution, and those officers turned their back on their oath*.”  In other words, they did not answer the call to the United States of America. They answered the call to the Confederate States of America which no longer exist.  Since the Civil War, many natives of Caswell County have fought and died for the United States of America.  Yet, there is a statue on display in the center of town to the ones who fought against this country and defended an abhorrent abuse of humanity. I beam with pride, southern pride as I am reminded of my ancestors who have fought in every war since the Civil War.  Many in this county have ancestors who fought in the Revolutionary War and every war since. It is astonishing that there is a statue to the ones who fought against this country, instead of the ones who fought for this country. It is my prayer and my hope that Caswell County will once again try to get it right.  I would like to recommend that the Confederate statue be relocated to a museum and the town square honors the Veterans who fought for this country.  I realize that a Veterans Memorial is in the works, but it is not too late to relocate the Memorial to the town square in honor ofall the veterans who fought bravely and sacrificed their lives for Caswell County and the United States of America.”

“Brittanie Smith Haith, on behalf of my children. I am writing to let my voice be heard on the issue of removing the Confederate Statue that stands on the courthouse square in our beautiful town of Yanceyville, North Carolina.  As African-American citizens of Caswell County, why should we be reminded of how blacks were treated when we see that statue? What is the true history of the statue that stands on the courthouse square? Does the history state that it was for the freedom of all African-Americans in Caswell County and throughout the United States? I think the answer to that questions is, “No”. We are in the 21st century and yet we still see racism and hatred in the eyes of a lot of people. A true fact is that if we all were to get cut by a knife, we all would bleed the same color of blood which is red. Let’s come together in unity and have this statue removed. As long as we continue to see this statue, we are continuously reminded of how African-Americans have been treated and how we are still being treated to this day. (The 21st Century). Let’s make this change on behalf of all children that are growing up in this county. I have children that are growing up in this county. I want them to know about love and peace, not hatred and racism.”

“Christina Widmark and Matthew Marin, 189 Taylors Cove Road, Semora, NC. Matthew and I purchased our vacation home July, 2018 and fell in love with Hyco Lake. We enjoy our weekends all year round and have decided to make Hyco Lake our permanent residence. In order for us to be able to do this we are asking for both a front and side setback variance so we can house our antique cars and memorabilia collection in the garage. As much as we have come to love lake like, we do not want to give up our collection that we started over 35 years ago. A garage would allow us to have both of our favorite things in one place. In keeping with the look of our home we intend on enhancing the appearance with dormers and timber styling. We love our location, neighborhood and neighbors. We, like the Daniels/Taylor’s will keep our property and pass it down to our 7 children and hopefully on to theirs as well. We have spent many hours searching for other properties and homes and nothing compares to where we are. We come back home after driving around the lake and this is where our heart is, this is where we call home. I hope you understand the importance of this garage to us and what it will mean for our future. Thank you.”

“Mark Zimmerman, Leasburg, NC. Commissioners, your decision to put the countywide zoning referendum on the November ballot has two issues. First, having worked on many referenda over the years, please ensure the voters are well educated on the subject. Many don’t know about zoning. They certainly don’t know about the county’s preliminary plans. They need to.  Second, zoning is never uniform. Different areas are zoned differently. Some communities may not be ready for zoning. Their views should be respected. Other areas are certainly ready for zoning. Their views, also, need to be respected. The referendum will only help you decide if a countywide plan should move forward at this time. The referendum on countywide zoning has no bearing on small area zoning. This is particularly true for the citizen zoning initiative you received from Southeast Caswell. That zoning plan is in process at the Planning Board. Since this plan is not a countywide proposal, the referendum doesn’t apply to it. The normal public comment period will allow the community to weigh in so you can enact the right plan for that area. The sooner the planning board acts, the more time there will be for public comment.  In short, if you want to get an accurate sentiment of zoning for the whole county, you need to do a lot of educating about the proposal. That will require a dialogue - allowing for questions and answers - not just written material.  Meanwhile, the process needs to continue for non-countywide plans, like the one in Southeast Caswell.  We ask you to lead the county through the education process and both the countywide and South East Caswell plans.”

RECOGNITIONS

There were no recognitions.

ACTION ITEMS

APPROVAL OF AGENDA

Commissioner Owen asked to amend the agenda to remove Item #9 Preliminary Assessment Resolution for Improvements to Shady Ridge Road because the Board is still waiting on information from NC DOT and Item #13 Appointments to Boards and Committees, Heritage and Cultural Preservation Committee due to the number of vacancies for the citizens’ vacancies.

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

APPROVAL OF CONSENT AGENDA

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

The following items were included on the Consent Agenda:

A. Approval of Minutes of July 6, 2020 Special Meeting

B. Approval of FY 2019-2020 Budget Amendment #7

C. Approval of FY 2019-2020 Budget Amendment #8

APPROVAL OF INTERLOCAL AGREEMENT BETWEEN CASWELL COUNTY, SHERIFF TONY DURDEN, AND THE TOWN OF YANCEYVILLE, NC

Mr. Miller stated that the only time the county is involved in the agreement is in paragraph 13’Caswell County joins in the Agreement for the exclusive and limited purpose of receiving funds payable to the SHERIFF, hereunder said disbursing same in accordance with the provisions hereof, not inconsistent with North Carolina or other applicable law. Caswell County makes no representations, warranties, or guarantees whatsoever with regard to the level of service provided within the Town of Yanceyville by the SHERIFF. Specifically, Caswell County makes no representations of provision of any level of funding to the SHERIFF to support the obligations undertaken by the SHERIFF herein in excess of the funding provided to the SHERIFF for providing services to the County generally.’ He stated that the Town of Yanceyville has agreed to pay $42,120 for fiscal year 2020-2021to fund an additional officer for law enforcement services inside the incorporated area of Yanceyville. Mr. Miller stated that the County’s role is to serve as the financial conduit between the Town of Yanceyville and the Sheriff’s Office.

Commissioner Jefferies asked the county manager if the Town of Yanceyville would be paying for this person on payroll. Mr. Miller responded that the Town of Yanceyville will pay for this position. Commissioner Jefferies asked if the Board thought it would be wise to make a motion and to amend it to say that as long as the Town of Yanceyville furnishes the funds the position will be kept. Mr. Miller responded that it would be fine to do that but it says in the agreement is only for fiscal year 2020-2021. He added that the agreement could be modified or amended by mutual consent at the end of the original term of one year. Commissioner Jefferies stated that he thought a motion would be in order to make sure.

Commissioner Owen moved, seconded by Commissioner W. Carter to approve the agreement with the amendment that Commissioner Jefferies suggested. The motion carried unanimously. (Commissioners S. Carter, W. Carter, Hall, Jefferies, McVey, Oestreicher, and Owen voted in favor.)

APPROVAL OF GETCERTNOW AGREEMENT

Ms. Ginny Mitchell, Register of Deeds, stated that she would like to add on to a current program that her office already has which is GetCertificateNow. She stated that this would allow customers to be able to request a vital record online and once the office receives this it can be mailed to the customer. Ms. Mitchell stated that in order to have this program put in place there is a need for a credit card vendor and she is currently looking into this. She stated that this program would allow her when working from home to monitor these request and they will be filled once she is back at work.

Commissioner Owen asked if this program would require additional budget money. Ms. Mitchell responded no sir, this would bring money into the county.

Commissioner Oestreicher asked Ms. Mitchell which documents this program would provide to the public. Ms. Mitchell responded this would make request for vital records: birth, death and marriage certificates, to the public. Commissioner Oestreicher asked if this was the only 3 documents. Ms. Mitchell responded yes sir. Commissioner Oestreicher stated that the contract called for a small service fee and he asked for an explanation for this. Ms. Mitchell responded that this would be if she went with the vendor for credit card usage. Commissioner Oestreicher asked if this would be $2 or $20. Ms. Mitchell responded that if she went this it would be 5%. She stated that she would like to look in another direction for that service. Commissioner Oestreicher asked what the 5% would be from. Ms. Mitchell responded that it would be 5% added to the cost of the documents. She gave the example of a $60 marriage license that would now cost the customer $63. Commissioner Oestreicher stated that most credit card fees are 2 to 3%.

Commissioner S. Carter stated “Mr. Chairman, I think this is a great service to provide to the citizens and I move to approve the agreement.”

Commissioner S. Carter moved, seconded by Commissioner Owen to approve the GetCertNow agreement. The motion carried unanimously. (Commissioners S. Carter, W. Carter, Hall, Jefferies, McVey, Oestreicher, and Owen voted in favor.)

Commissioner Owen asked the county manager if the county could search for another credit card vendor. Mr. Miller responded yes and added that the problem associated with small county government facilities and the service charges associated with those facilities is there is not enough traffic to justify the card unless the percentage is somewhat higher than other credit card rates. Mr. Miller stated that he thought 5% was probably in line with what other facilities in the county but he would take a look at it.

Ms. Mitchell stated that she is talking with Fidelity Bank on this issue. She added that she is going to get with Thomas Bernard, the tax director, as well as Jennifer and Gwen in the finance department so that this program set up.

RESOLUTION OF THE CASWELL COUNTY BOARD OF COMMISSIONERS TO CONDUCT AN ADVISORY REFERENDUM ON THE ADOPTION OF A COUNTYWIDE ZONING ORDINANCE

Mr. Miller stated that the Board had a copy of the ordinance in its packet as he thanked the clerk to the Board for putting resolution together. He read the ordinance to the Board and public.

Commissioner S. Carter stated “Mr. Chairman, I know we have talked about language in the past regarding zoning, the ballot question itself I think deserves a slight amendment by removing the word ‘countywide’ since at the end of the question it says for all unincorporated areas of Caswell County so it is kind of redundant to double up on that.” Mr. Ferrell responded “Mr. Chairman, just for clarification the ballot language I believe comes, and the clerk can clarify, directly for the legislation that was passed. I believe the question itself was in that legislation so while I see your point I hesitate to amend the actual language of the question at this point.” The clerk responded that this was from the legislation.

Commissioner S. Carter moved, seconded by Commissioner Jefferies to adopt the resolution.

The motion carried unanimously. (Commissioners S. Carter, W. Carter, Hall, Jefferies, McVey, Oestreicher, and Owen voted in favor.)

**RESOLUTION OF THE CASWELL COUNTY BOARD OF COMMISSIONERS**

**TO CONDUCT AN ADVISORY REFERENDUM ON THE ADOPTION OF A COUNTYWIDE ZONING ORDINANCE**

**WHEREAS**, in 2020, legislation passed by the N.C. General Assembly (Session Law 2020-22, HB-1156) gave the Caswell County Board of Commissioners authorization to call for a special election in accordance with G.S. 163-287 to hold an advisory referndum on the question of whether to adopt a countywide zoning ordinance to implement zoning regulations for all unincorporated areas of Caswell County; and

**WHEREAS**, the results of the referendum shall be used by the Caswell County Board of Commissioners to determine the desires of the residents of Caswell County regarding zoning but shall not be legally binding on the Board of County Commissioners; and

**WHEREAS**, the Caswell County Board of Commissioners is hereby requesting the Caswell County Board of Elections to conduct the required advisory referendum on the question of whether the Caswell County Board of Commissioners should adopt a countywide zoning ordinance to implement zoning regulations for all unincorporated areas of Caswell County.

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

1. A copy of the signed Resolution shall be promptly delivered to the Caswell County Board of Elections.
2. The following ballot question shall be placed on the ballot for the Tuesday, November 3, 2020 General Election in accordance with NC General Statute 163-287:

**“Should the Caswell County Board of Commissioners adopt a countywide zoning ordinance to implement zoning regulations for all unincorporated areas of Caswell County?**

**[ ] YES          [ ] NO”**

Adopted this 20th day of July, 2020.

 S/Rick McVey\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Rick McVey,

 Chairman

ATTEST:

S/Paula P. Seamster\_\_\_\_\_\_\_\_\_

Paula P. Seamster,

Clerk to the Board

APPOINTMENTS TO THE BOARD OF ADJUSTMENT

Mr. Ferrell stated “Good morning Mr. Chairman and members of the Board, as you heard in public comments and I am going to ask you to ignore the substance of the particular comment but there is a pending variance application that needs to be addressed in the Hyco Lake area regarding a setback. Under the Article 3 of the Unified Development Ordinance for Caswell County those decisions are submitted, the variance decisions are submitted to the Board of Adjustment. The Board of Adjustment has not met in a good while. There are a limited number of items coming before the Board of Adjustment and given the fact that not many of those arise in Caswell County at this point you just haven’t had to constitute the board or put any questions to the board but now there is a question to be put to the board and so we have a couple of related items this morning that need to be addressed. The first of which is as you see if constituting the Board of Adjustment so the Board of Commissioners under Article 3 of the Unified Development Ordinance have the authority and the duty to appoint a Board of Adjustment. The way the Unified Development Ordinance calls it out, there has to be at least 5 members. That’s consistent with state law. You can delegate those duties to yourself, the Board of Adjustment duties can be delegated to the Board of Commissioners, the Planning Board or another board entirely made up of 5 members. Now I will just point out that essentially the role of the Board of Adjustment is to handle quasi-judicial decisions, that being decisions that require the application of standards and the overlay of the legal ordinances to reach a decision and do all the due process requirements for quasi-judicial decisions attached to that and so we are going to talk a little bit about next what that means in a remote meeting context given the difficulty that is associated with the gathering of evidence, etc. but for right now the preliminary or the first question for you today is how do you want to constitute the Board of Adjustment for purposes of hearing quasi-judicial matter. I am happy to talk any more if I can about that if you have any questions but that’s what we are looking for in the first question today.”

Commissioner Owen stated that he thought the Planning Board should be the Board of Adjustment.

Commissioner Oestreicher stated that he respectfully disagreed with Commissioner Owen and added that this would be a good way to separate the determination of the use of land. He stated that he was interested in what the county attorney recommendation on the constitution of the Board of Adjustment. Mr. Ferrell responded “Sure. What I can do is tell you about my experience with other jurisdictions that perhaps would be helpful. I’ve represented Boards of Adjustment in various locals from Onslow County to Orange County and done some work in that regard in Chapel Hill as well. I am just telling you the basis for my experience is the Board of Adjustment most recently in the modern context is often a separate board, distinct role from the planning board and a distinct role from the decision maker so in my experience the Board of Adjustment is separate and has its own membership with no overlap of the decision making board or the planning board for that instance and that’s because as land use development statutes have evolved there’s a distinct role in land use planning for the planning board, for the board of adjustment, and then for the decision maker. The decision maker and in this case is the Board of Commissioners is often called upon to make legislative decisions right, that is policy decisions related to ordinance adoption, ordinance amendment, and that type of thing. The quasi-judicial decision maker, for the board of adjustment, is called upon to consider discreet pieces or to apply versions of the land use ordinances that the policy maker has implemented through their legislative decision making so that often is a division and then the planning board is called upon to make recommendations or review ordinance changes and make recommendations to the board of commissioners about implementing different changes that the commissioners then take up. So as you can see there are distinct roles that each of those boards play in the land use development context in North Carolina and as a result through my experience those boards are separately constituted and are distinct. If the Board of Commissioners takes on the duties of the Board of Adjustment it may find itself in a situation where it has to, well it will find itself in a position where it has to take its legislative decision making hat off if you will. The responsiveness to its citizens, the discretionary authority that it’s given in implementing ordinances, etc. has to take that hat off and put on a quasi-judicial hat which limits the ability of the individual commission members to talk to affected parties because of the quasi-judicial limitations and so it is a different role and that’s another I think that the responsibilities are often segmented off or spun off to a free standing board of adjustment. That may be more or less that you want but I am happy to go on to more clarify.” Commissioner Oestreicher asked if the board of adjustment would make a recommendation to the board of commissioners. Mr. Ferrell responded no, the board of adjustment makes the decision in the quasi-judicial context. He added that the decision by the board of adjustment could be appealed to superior court but the local level decision stops at the board of adjustment. Commissioner Oestreicher stated that the board of adjustment would take the board of commissioners out of the picture entirely. Mr. Ferrell responded yes the board of adjustment is applying the regulations in an ordinance that was adopted by the board of commissioners. Commissioner Oestreicher stated that this would not be specific to the variance. Mr. Ferrell responded that it would be the application of the specific facts to the ordinance is handled by the board of adjustment. Commissioner Oestreicher thanked Mr. Ferrell for the clarification.

Commissioner S. Carter stated “Mr. Chairman, I have given this some thought and I tend to agree with the perspective Commissioner Oestreicher is giving and looking up just in some general research come across historic examples of the board of adjustment from Caswell it seemed to be a mix of individuals and at times also a separate group entirely and it seemed as if they had no issues serving in that capacity but I was curious, concerned and curious now since we have power of appointment what’s the criteria and how do we solicit and appoint members and separate individuals to this board of adjustment, how does that process work?” Mr. Ferrell responded “My suggestion is that you could use your general appointment process, right, solicit applications, put a call out to folks interested in serving as the board of adjustment and the clerk can assist with that as she does with your other boards and commissions and then make the appointments, similar to your other process that’s one way to proceed.” Commissioner S. Carter continued “And then is there any way to handle or prevent biased parties, let’s say they are the only parties that turn in applications, how do you handle that kind of situation? I am sort of being the devil’s advocate here, you know, what role do we play in that?” Mr. Ferrell responded “Sure, that’s a good question and North Carolina law is contemplated that, there is actually is a particular conflict of interest statute related to boards of adjustment and it prevents a board of adjustment member who either has bias or other close personal or financial relationships with any of the affected parties from participating in a quasi-judicial decision. Now that same statute would apply to any construct of the board of adjustment so it would apply to planning board members if they were the board or adjustment or any person serving in the role of a board of adjustment member is subject to a specific conflict of interest statute regarding their participating in decision making.”

Commissioner Oestreicher asked “With reference to Commissioner Sterling Carter’s comment on qualifications would it seem prudent to develop a list of qualifications or experience or some way we can make sure we get people with good experience and knowledge and background on this board rather than having the…kind of just leaving it open to anybody that applied not that that is a bad thing but I just think it would be good to state some qualifications that we would like to see for the members of this board if we choose to construct this board as well.”

Commissioner Owen asked “This is directed to our county attorney, let’s say we decide that we want to go with a separate board, which I have no problem with, what happens in the meantime if we have those items come up because with our luck with boards this could take a while for us to get a board organized, what would happen in the meantime, would there be a way to handle issues that may come up?” Mr. Ferrell responded “Right, there’s no substitute that I know of for having the board of adjustment serve in its role in your Unified Development Ordinance and also by state statute. You’ll see when we talk about the item following this one that there are challenges in this present environment with quasi-judicial hearings no matter who the board is, what the membership looks like, so you know, absent appointing, you know, one option I guess would be you could appoint yourselves for present purposes and then appoint a separate board down the road. That would be a way to speed it up I guess but I don’t know a way to bypass, if you will, the board of adjustment, you need a board of adjustment for these decisions.” Commissioner Owen continued “Exactly and I am just thinking about our citizens who may need something to take place and not be dragged out for long periods of times.” Mr. Ferrell responded “Yeah that’s an issue and whenever you are ready I can highlight the challenges that we have in this remote hearing context for quasi-judicial hearings which ties into that very point.”

Commissioner S. Carter stated “Mr. Chairman, I have another couple of questions for Mr. Ferrell, and in relation to appointing a separate board because we really have not done much of that in the past they would become permanent members of a board of adjustment?” Mr. Ferrell responded “Usually there is a term just like your other boards, you know, that could, you know, be set by this Board. In fact, the ordinance already contemplates that they will be appointed for 3 year terms, I believe, it is, right so there’s a set term.”

Commissioner Hall stated “Mr. Chairman, over the last few years our general counsel has made a similar recommendation about the board of adjustment and I’m beginning to lean towards the position that we probably should appoint a separate board of adjustment however we’ve got a couple of issues we need to consider. Having chaired a couple of maybe three or four quasi-judicial hearings there’s a matter of education and training that we need to consider. So one of the things we might do when we get to this point is if we decide to go with a separate board of adjustment we might want to consider appointing ourselves for a time period, a month, six weeks, or whatever, until we can get this board formulated and trained. There are some specific duties that board members need to know and that the chair of this board need to know. We can’t just throw them out there. If we do that we will probably have some issues ending up in superior court and we will be doing a disservice to the citizens of Caswell County.” Mr. Ferrell responded “That’s a wonderful point from the training perspective. These are quasi-judicial decisions and they are not easy to apply in many cases the variance standard for instance are very specific and take some close thought and I appreciate those comments about training and I hope the Board if you decide to separate constitute it will offer training and I am happy to help with that but your board members should have that training before they are called upon, you know, what are difficult decisions in a lot of cases.”

Commissioner Owen stated “If it is alright with the rest of the Board I’d like our county attorney to go ahead and discuss the remote quasi-judicial hearing issues before we maybe make a decision if that is alright with the rest of the Board.”

DISCUSSION AND DIRECTION ON CONDUCTING A

REMOTE QUASI-JUDICIAL HEARING

Mr. Ferrell stated “Thank you, I will touch on this as well so when the legislature provided statutory authority for county commissioners and city councils to conduct remote meetings like we are having now there was also some language provided for the conduct of quasi-judicial hearings in the remote context. Quasi-judicial hearings present unique challenges in the remote meeting context because they require the presentation of evidence, the cross examination of witnesses in some cases, and due process rights the right to a fair hearing attaches to quasi-judicial hearings and so the legislation seeks to protect those due process rights of those parties and those folks with standing to participate in a hearing. So what that means is in addition to the requirements that you have for your legislative meetings, remote legislative meetings, that your clerk does a good job of paying attention to that notice, you know, your public comments, your hearing requirements, there are specific requirements for a quasi-judicial hearing that require not only the notices that your Unified Development Ordinance requires but it also requires those with standing to participate in a quasi-judicial hearing to provide consent to allow that hearing to go forward remotely. It also requires that we protect the due process rights of all affective persons which means we have to think through the procedures for allowing for such things as cross examination of witnesses and participation of neighbors remotely, that sort of thing. So there’s some logistical issues with remote quasi-judicial hearings perhaps that are different than your remote hearings you are doing currently so we would have to provide a forum, a way for neighbors and others to present evidence and testimony in the quasi-judicial context. I think we could do that through this Zoom platform. I’ve worked, I’ve conducted or participated in quasi-judicial hearings in the remote platform during these COVID times but it’s challenging and recognition of the fact that it’s challenging the statute doesn’t require quasi-judicial decisions to occur remotely. The statute has provisions for how it would work and requirements if you are going to have a remote quasi-judicial hearing but it says that the governing board may make a decision about allowing these hearings to proceed. So the issue is just as Commissioner Owen hit on it you know you’ve got residents in this case that have a pending variance here and to the extent that there is no quasi-judicial hearing held during this state of emergency when you are operating remotely, you know, their application would essentially just be just put on hold and so all the plans that would turn on having that decision one way or the other would be on hold and so that’s the downside of not proceeding with the remote quasi-judicial hearings. On the flip side assuring those due process rights are maintained, assuring that the procedures for quasi-judicial hearings are taken care of in advance present their own challenges and so, you know, there are issues either not holding the quasi-judicial hearings or holding them. Jurisdictions are moving forward with these hearings, in some cases though, and so the real question is, you know, if this Board was interested in moving forward once we have a board of adjustment constituted, you know, and we would need to work together to identify how we can hold those hearings to preserve the due process rights of the parties. So that’s the issue that the Board needs to consider with this part two, if you will, of the board of adjustment issue.”

Commissioner S. Carter stated “Mr. Chairman, just a thought, if this Board implemented zoning before the end of the year and we’ve moved into that stage of live so to speak what is the role of a board of adjustment? Does it maintain or does some of this stuff fall to Planning or does it remain separate?” Mr. Ferrell responded “In my view it would still remain separate. Again there are really distinct roles, statutory roles for the governing board, planning board, and board of adjustment in land use law in North Carolina at this point so I think the role would be enhanced quite frankly if you, for instance, this variance is coming to in the one zoned are of the county, right, so the Hyco Lake area is the one place that you have zoning regulations and so the board of adjustment is a construct out of zoning authority and so, you know, you have limited cases perhaps because you have limited areas to which your zoning ordinance applies. If you have a broader area that your zoning ordinance applied I would expect the board of adjustment to have more activity. I’m not sure that was your question.” Commissioner S. Carter continued “that was, thank you.”

Commissioner Owen asked “Just for a point of clarification, if a person brought a variance before the Board and would rather have it in person with all the time restraints and legalities of that would they be able to wait until we have a board in person and the restrictions are lifted where they could meet in person would they be able to do that?” Mr. Ferrell responded “Yes, the statute specifically says that any person with standing and the applicant has standing, it may also apply to the opponent of the project they also have standing right so that is probably the universe of folks whose consent is required. People with standing have to consent to the remote hearing so if an applicant didn’t want to, you know, be faced with technological limits. Perhaps they didn’t have easy access. Perhaps they have a box of documents they want to go through and that’s just not practical, for whatever reason an applicant could say I do not want a remote hearing, the statute allows for that, yes.” Commissioner Owen continued “Thank you.”

Commissioner S. Carter stated “Mr. Chairman I’d like to move that we appoint the Board of Commissioners as currently constituted, as the Board of Adjustment, until the end of the year, say December 31, 2020, to handle the present pending request pursuant to a separate board being appointed and trained by the end of the year as the Board of Adjustment.”

Commissioner Owen asked “Would you consider amending that just a little bit in a different way, the Board of Commissioners as the Board of Adjustment pending training and appointment of a separate Board of Adjustment?” Commissioner S. Carter responded “That was the motion kind of backwards in what you just said so either way it would be in there as that.” Commissioner Owen continued “I mean I don’t know if we need to give a specific date, we don’t know how long it is going to take us to train and appoint or appoint and train those members, it may be longer than what you mentioned. I just hate to put a date in there.” Commissioner S. Carter responded “I think it’s commendable to kind of have a goal to shoot towards so we don’t get caught up and forget about it but I am fine with or without a date. I was just saying maybe the end of the year is something to shoot for.” Commissioner Owen continued “Well if we got to train, if we did have appointments and we got them trained before that in two months from now let’s say, it probably will not happen but if it did I would like for them to go ahead but I guess we could amend it and go back and appoint them as the Board of Adjustment at that time.” Commissioner S. Carter responded “Right, right.” Commissioner Owen continued “I am good either way.” Commissioner S. Carter responded “I am looking for the board to being appointed and trained.” Commissioner Owen responded “I am good either way.”

Commissioner Hall stated “I will second that Mr. Chairman.”

Commissioner S. Carter moved, seconded by Commissioner Hall to appoint the Board of Commissioners as currently constituted, as the Board of Adjustment, until the end of the year, say December 31, 2020, to handle the present pending request pursuant to a separate board being appointed and trained by the end of the year as the Board of Adjustment.

Commissioner Oestreicher asked “Mr. Chairman, would it make sense maybe to do this before, a target date of before the end of the fiscal year? Is that too far forward? You know that seems to be kind of a reasonable definable ending date and, you know, use the word before so that if we do get them by the end of the year that’s great too.”

Chairman McVey stated “We have a motion on the floor. Commissioner Carter do you need to amend your motion?” Commissioner Owen responded “Commissioner Hall seconded that motion so we will have to deal with that motion.”

Commissioner S. Carter asked “Would you like for me to restate it just so we are all on the same page?” Chairman McVey responded “Please.” Commissioner S. Carter continued “I move that we appoint the Board of Commissioners as the Board of Adjustment to handle present pending requests pursuant to a separate independent Board of Adjustment being appointed and properly trained.” Chairman McVey responded “And then Commissioner Hall seconded the motion.”

Commissioner Hall stated “Yes I did. Commissioner Carter did you take out by the end of the year from your motion?” Commissioner S. Carter responded “It seemed like we were all up in the air about an end date so that’s why I didn’t when I restated it but I am happy to add it or we can all figure out what we want to do.”

Commissioner Owen stated “Now I don’t have a problem here with an end date as long as if we get that board in place, trained, I want to go ahead and appoint them then. I don’t want to wait until the end of the year.” Commissioner S. Carter responded “Oh, absolutely.” Commissioner Owen continued “Appointed and training I would like to go ahead and move to that so if you want to put a date I don’t really have a problem with it.” Commissioner S. Carter responded “Right, if it happened next week they would assume the position, that’s the way the motion is stated.” Commissioner Owen asked “So Commissioner Hall would you like a date still in there?” Commissioner Hall responded “Not necessarily, when he said by the end of the year I was assuming the end of the calendar year.” Commissioner S. Carter stated “That was my thought.” Commissioner Hall responded “Okay, so I think that we need to move as expediously as possible if we are going to do this and there are going to be some logistical challenges that we are going to have to handle especially the training and getting the members of the board so I think we would move much faster even if we for whatever reason didn’t make it by the end of the year if we had an end of the year date or guideline.”

Commissioner Oestreicher asked “Mr. Chairman, so what happens if we don’t get the board constituted by the end of the year?” Commissioner Hall responded “Then this Board would stay as the Board of Adjustment like all other boards until one is appointed.” Commissioner Oestreicher continued “Is that implisive in the motion or do we need to make that explisive?” Commissioner S. Carter responded “It is not implisive in the motion but, you know, if the end date did expire we would be back at this conversation again I am sure.” Commissioner Oestreicher continued “Yeah I think there is a slim chance that we can get this done by the end of the year just all things considered, how difficult it is to meet, get the applicants, get them…how do we train them remotely. I think it is going to be a real uphill push. Mr. County Manager are you familiar with, is there any UNC School of Government training available and I know that is an unfair question to ask but is there something that’s already prepared for this that we could use?” Mr. Miller responded “So I think the School of Government offers specific training for quasi-judicial boards and committees. I think the NCACC also has some very valuable resources we could lean upon so I am sure there’s training out there we just have to go out there and find it and arrange for it so yes.” Commissioner Oestreicher continued “Okay, well that would make me feel a lot better about that.”

Mr. Ferrell stated “I am happy to help with the training as well.”

Chairman McVey stated “We have a motion and a second are there any more questions?”

Commissioner S. Carter asked “I am sorry Mr. Chairman I will ask again are we keeping the date or are we leaving it out or are we changing the date?” Commissioner Oestreicher responded “I would be happy to leave it out but I would be happy to vote for it if we do leave it in there so let’s just make a decision and vote on it.” Commissioner Owen responded “Leave it in there.” Chairman McVey responded “Leave it in.” Commissioner Owen stated “Okay, restate your motion.”

Commissioner S. Carter stated “So until the end of the year, December 31, 2020.”

Commissioner S. Carter moved, seconded by Commissioner Hall to appoint the Board of Commissioners as currently constituted, as the Board of Adjustment, until the end of the year, say December 31, 2020, to handle the present pending request pursuant to a separate board being appointed and trained by the end of the year as the Board of Adjustment. The motion carried unanimously. (Commissioners S. Carter, W. Carter, Hall, Jefferies, McVey, Oestreicher, and Owen voted in favor.)

RECESS

The Board took a brief recess.

Mr. Ferrell asked “Mr. Chairman if I may before you move on, was it implicit in your last motion that you want to go ahead with the quasi-judicial variance hearing that’s pending, if so I will start working with the clerk and the IT folks to get that set up?” Commissioner S. Carter responded “Yes that would be correct.” Mr. Ferrell continued “Great, thank you very much.”

COVID-19 UPDATE

Ms. Jennifer Eastwood, Public Health Director, gave the Board an update on COVID-19.

Ms. Eastwood stated that the case county for Caswell County stands at 163 cumulative from the beginning. She stated that 124 people have recovered, 2 have died, 19 are actively in isolation right now. Ms. Eastwood stated that there is a gap if the numbers are added up and this is because it takes people different times to recover from an illness. She went over the breakdown of the cases: 98 have been male and 54 have been female, 50 of these males were offenders at the prison. Ms. Eastwood stated that 73 have been African Americans, 49 have been White, 3 Asian, 3 Indian, and 25 Latin X. She stated that 156 people were tested at the Providence Fire Department testing and this there will be a target testing at Meadowview Apartments not because there is an issue there but because transportation is sometimes an issue there and the same thing will be done at Old Farm, Sunvale and Suncrest Apartment. Ms. Eastwood stated that they are still looking for locations in the Prospect Hill area as well as the Yanceyville township. She stated that CFMC and the Health Department are still testing by appointment at curbside at both locations.

Commissioner Owen stated that he wanted to present something to the Board and the EOC. He stated that since there will be another round of CARES Act money and he understands that some of this money has to be allocated to the municipalities, Milton and Yanceyville, but he asked the health director and the county manager to consider hazard pay supplements to 911, Sheriff’s Department and he also would like for them to consider the Department of Social Services. He stated that some DSS employees are required to report to duty every day and adult protective services and child protective services personnel had to make face to face visits and they were classified in June as emergency first responders by the North Carolina Department of Health and Human Services so he asked for these areas to be considered for hazard pay. Commissioner Owen also stated that a lot of the non-profits really worked hard feeding the community and if there is a possibility of some type of allocation that could be made to the non-profits he would like for that to be considered as well if this is okay with the Board. Mr. Miller stated that he and the health director were more than happy to look into those areas to see what could be done if it is the will of the Board.

Commissioner S. Carter stated “Mr. Chairman, that is a great idea.” Commissioner Oestreicher stated “I think it is wonderful.”

Commissioner Jefferies asked Ms. Eastwood if it would be possible to come to Semora at Dollar General to do some testing. Ms. Eastwood responded that she did not know if Dollar General would allow this but she would look into something in the Semora area. Commissioner Jefferies offered to talk to the people at the store to be able to set up at Dollar General. Ms. Eastwood responded okay.

Chairman McVey stated that he needed a consensus on the upgrades to the hazardous pay. The Board gave a total consensus to this.

Commissioner Oestreicher asked if there was a way to direct some of this money to the non-profits. Commissioner Owen responded that this was included in his request.

Commissioner Oestreicher asked the county manager if the county received $617,000 from the state for COVID-19 expenses. Mr. Miller responded yes this was in the first round. Commissioner Oestreicher asked the county manager if he constructed a budget for this total amount that could be shared. Mr. Miller responded that a spending plan was presented to the Board of Commissioners. Commissioner Oestreicher stated that that was the plan but he wanted to know if it has been firmed up. Mr. Miller responded that he was currently putting together a list of expenses that have been paid out of that money as well as a list of expenses that need to be paid from that funding so this is still being worked on. Commissioner Oestreicher asked if there was a way to get this information out. Mr. Miller responded that he and Ms. Eastwood met with the finance director last week and discussed what they would like to see and how they would like to see it. He added that Ms. Eastwood has discussed what line item categories she needs within that budget so he expected to see something from the finance director fairly soon and added that he would be happy to share that with Commissioner Oestreicher when convenient. Commissioner Oestreicher stated that he thought the public was interested and it would show good faith as well as that the county is active in doing this public awareness. He stated that he has seen the signs and the t-shirts but he just thought is the money could be tracked it would make the people feel that the county is being proactive and the information needed to get out to the public. Mr. Miller responded sure.

Ms. Eastwood stated that things are still being ordered to be able to open the county offices. She stated a fit test machine has been ordered that will test the employees, temperature control kiosks have been ordered for some of the larger departments, self-scan screens for employees. Ms. Eastwood stated that PPEs are being ordered to have on hand. She added that Mr. Barry Lynch has gone or is in the process of going around to the different departments to see what types of sneeze guards or barriers are needed and that is what is being focused on right now. Commissioner Oestreicher responded that Ms. Eastwood was doing a good job on publicizing the total cases and asked that she would add an addendum to mention the things that she just stated because he thought it was important to mention.

Ms. Eastwood stated that there was one more partnership that she wanted to highlight and that is the EMS is providing a Community Care Medic that goes out to check on all the positives and there was success story that has come from this. She stated the medic went out to check on a patient and the patient’s oxygen level was very low and convinced the patient to go to the hospital to see medical care and this partnership had not been place the patient may have died at home because the patient was suffocating and added that this was a success story. Ms. Eastwood stated that the Health Department could not do what it does without the support of other departments and she thanked them for that.

Commissioner S. Carter stated “Mr. Chairman, one question and one other aspect of all of this, I will bring up specific to what Ms. Eastwood just mentioned is that something we are going to commit to do with our positives or was that just like a trial run?” Ms. Eastwood responded “We have committed to do that. We started about 2 or 3 weeks ago doing that with all of our positives.” Commissioner S. Carter continued “That’s great. I think if we do see a pike in cases in the future and we have a lot of positives at home that’s a very crucial, critical service to provide and it could save lives as it did with that case specifically. But one other aspect I wanted to bring up with all of this and especially under the knowledge that we will have another round of CARES Act money coming, I am really concerned and I don’t hear a lot of talk about this with our parents and children going back to school. It sounds like it’s a simple set up with 2 days at school, 3 days at home with virtual learning, I’m concerned about parents that have young children and these are all of our children in the school system that will be at home. Many of those parents can’t afford childcare and they can’t stay at home with their child, they have to work, they have to, you know, provide, I’m concerned for their safety as one aspect. I’m also just concerned with their general welfare, the economic ability of these households, and I’m concerned with the learning part of this too which is not specific to the update we are talking about but it’s something we should keep in mind. You know, these parents with this 3 days at home virtual learning, their expected to foster this, know how to do it, know how to regulate what’s going on, and like I said many of them will not be able to stay at home with their child. They may not have the convenience of having a family member that can stay there as well let alone a family who’s likely an older person that doesn’t know how to work a chrome book or work on the internet and then we have the internet access as well and that’s why…back to I think it was the meeting before last maybe when I talked about a joint meeting with the Board of Education and the towns. Internet accessibility at this time with education is a big concern of many of these homes of course, they don’t have internet or they have a very limited and depleted access to it so with the CARES Act I’m just concerned about our citizens, concerned about our children, it’s great, you know, that we are focusing on, you know, our county employees and the hazard pay and I agree that we should do all those things but at the same time our citizens also are in a very bad predicament now with school starting back up and we need to help our citizens in some way I think and I feel that we should look into this, especially the internet inequality in the county. I don’t know how we can expect all of our children to have the same learning experience and be able to be educated fairly at the same time.”

Commissioner Hall stated that over the last week he lost an acquaintance he was told was due to complications to COVID but the death count in the county has been the same for the last couple of weeks and he was pretty sure this acquaintance had some underlying conditions and he asked Ms. Eastwood how the COVID-19 would play into this with the death certificate. Ms. Eastwood responded that without her knowing about this particular case she would not be able to speak to this specific situation. She added that there has been a lot of controversy about how death certificates are being coded to make the appearance that there are more deaths than there are and added that she has not seen this with any of the deaths in Caswell County. Ms. Eastwood stated that it would depend on the underlying health condition and it would depend on the patient. Commissioner Hall stated that he was going by the fact that Ms. Eastwood reported to the Board 2 deaths over the last two or three reports. Ms. Eastwood responded that she could say with certainty that those two deaths were because of the coronavirus or COVID-19. She added that even though those two individuals had underlying health conditions were seemingly healthy until the virus hit them and they were hospitalized and never came out of the hospital. Commissioner Hall stated that he understood this about the 2 deaths but if there are 8 or 10 others the community needs to know or have a general feel of what is going on. Ms. Eastwood stated that she knew of one other situation but due to the underlying issues she did not believe the death was related to COVID but she did not know how the doctor would code the death certificate. She added that one thing about vital records is that unless the person dies in Caswell County the county does not necessarily see that death certificate so she is relying on the fact that the health department is calling and checking and doing well checks and sending the community care medic out to check on the patients and rely on information that is being reported to the health department from the positives.

Commissioner S. Carter stated “Mr. Chairman, on that issue there that does bring up a concern, you know, they may have and I am sorry they passed away, they may have died because of a primary, you know, health issue or disease but on death certificates it will say secondary and then it will say other contributing issues. I think it’s important for us to advocate, you know, as far as county data goes that we do have a working relationship with other counties, municipalities, hospitals, to account for these individuals that may not have died directly from COVID but they may have had complications attributed to it in some way but yeah I don’t know if Ms. Eastwood knows the answer to this. The deaths that are being recorded in the counties and in the state are they only counting those that died directly from COVID as it is on their death certificate would be the first thing you saw versus secondary or other contributing?” Ms. Eastwood responded “No they are classifying those as COVID related deaths so it would go on there.” Commissioner S. Carter continued “Right, yeah we have to be diligent with keep up with that and I am glad y’all are doing the wellness checks.” Ms. Eastwood responded “We do have a really excellent relationship with the infectious disease nurse at SOVAH. We’ve had a lot of conversations with the infectious disease nurse at home health so we feel fairly certain that we are getting information as we need to sometimes however like I said we don’t look at that death certificate and see that death certificate, we are relying on the word of others as to how that death occurred.”

Commissioner Jefferies asked Ms. Eastwood if there were temperature monitor in the courthouse, old courthouse, health department and DSS for the employees to check their temperatures every day before they come in. Ms. Eastwood responded that temperature monitoring is taking place with handheld thermometers which is not very efficient in the courthouse where there is a lot of movement of people in and out so the kiosk temperature machines like what is being used in airports has been ordered for the courthouse, DSS, senior center, health department, the library and a couple of other busier departments as well as town hall. She stated that self-scan temperature thermometers have been ordered for staff entrances and for smaller departments. Commissioner Jefferies stated thank you. Ms. Eastwood stated that these have been ordered but they have not arrived yet.

FARMER LAKE BOARD’S DISCUSSION ON PRIVATE PROPERTY OWNER’S ABILITY TO FISH AND LAUNCH UNMOTORIZED BOATS FROM THEIR BANKS

Mr. Russell Watlington, Farmer Lake Board Chairman, stated “I am here at your request and on the Lake Board’s behalf to respond to Commissioner Hall’s motion to allow fishing and the launching of kayaks and canoes by lake property owners from their properties which join Farmer Lake. It was proposed as a temporary situation to end on December 31st of this year and a nice thing to do based on the governor’s position on the COVID-19 pandemic. The Farmer Lake Board held its regularly scheduled meeting on Thursday, July 9th and at which time this matter was discussed in great detail. All board members were present including three lake board members who are lake property owners. After a lengthy discussion, it was the unanimous decision by the lake board that we do not allow fishing or the launching of kayaks and canoes from these property sites under any circumstances. All the board members were in total agreement. Numerous influencing factors were discussed with a very strong focus on water quality. As we’ve talked about so many times before, Farmer Lake was funded, designed, and built as a reliable source of fresh water for Yanceyville and Caswell County, for flood protection for the farm lands, and to attract new industries that are unable to secure sufficient quantities of water in other areas. If needed, it has the nucleus to become a countywide water system. It is a Class C watershed lake with limited recreation. This is the lake’s purpose and why it even exists. As a Class C watershed lake, certain ordinances and rules and regulations were required and established by which the lake is managed. Farmer Lake has always been a Class C watershed lake and it always will be a Class C watershed lake. It was approved and funded by federal, state, and local government agencies. Several impoundments were proposed and originally planned. The recreation impoundment did not survive because funding could not be provided to make it happen. The ordinances and rules and regulations were presented for approval to the North Carolina Department of Human Services which gave final approval to move forward. Fishing would be allowed on Farmer Lake as the only recreational activity. The lake board does not understand why there are those who continue to question this classification that the ordinances and rules and regulations we are used in managing the lake. Our ordinances and rules and regulations are not too extreme; they are not out of the ordinary in any way. There are lakes all over North Carolina which have similar ordinances and rules and regulations. Nearby Lake Reidsville has similar ordinances and rules and regulations and also the lakes in Greensboro Lake Higgins, Lake Brandt and Lake Townsend also have similar rules and regulations and those in Greensboro are even more rigid than those we have at Farmer Lake. Proper management of the lake cannot be relaxed. The ordinances and rules and regulations must be followed and must be adhered to. As a watershed lake water, quality has to be a priority. The last onsite assessment conducted by the North Carolina Division of Water Resources showed that Farmer Lake’s turbidity values exceed state water quality standards and the word exceed in this case is not a good thing, it is like your golf score the lower the better. Turbidity is the cloudiness or haziness on the lake or stream caused by numbers of individual particles which are often times invisible to the naked eye. High turbidity significantly reduces the quality of lakes and streams having a harmful impact on recreation and increases the cost of water treatment for drinking and food processing. It can harm fish and other aquatic life by reducing the food supplies. Farmer Lake is high in surface pH values, phosphorous concentrations, and organic nitrogen. There are also chlorophyll a values and surface dissolved oxygen levels which are high. In addition, there is an absence of organic nitrogen. Farmer Lake has consistently been eutrophic with each assessment. Eutrophication is the increase in the concentration of nutrients to the ecosystem. It is caused by pollution, human activities, agricultural and private property run offs such as fertilizers, livestock, even pets, also by erosion, high sediment, and atmospheric conditions or other things maybe we don’t see. The numbers attached to these values and concentrations are higher, as you might imagine, in the shallow depths of the lake while they improve in the deeper depths. In the last assessment, some vegetation growth was discovered in the area of the dam. This information indicates that the environmental/ecological quality of Farmer Lake has some concerns. Significant increases in recreational activities could adversely impact water quality and the Yanceyville water supply. William Carter probably understands a lot of these things but in one report we researched, the lake’s classification was changed to a Class C dash A meaning critical access indicating that activities that might impact water quality should be approached with caution. Now if these values and concentrations continue to rise and worsen with each assessment, we may be forced to place more restrictions on lake activity. All this information can be found online at Roanoke River Basin 2009.pdf under lakes and reservoir assessments. You can look for Farmer Lake on page 12. These assessments are conducted about every four years. The last one was done in 2016. So, we are probably due for another one this year. We never know when the inspectors are coming. Previous assessments were held in the fall months beginning in September and run for several months following with checks each month. I credit lake board members Jerry Sykes, Steve Eaton, and Brandi Mathis for the research they did to obtain this information for us. As I’ve said before, the Town of Yanceyville has a big stake in this and should be brought in on these discussions. According to Yanceyville Mayor Alvin Foster they are pumping and processing 300,000 gallons of water per day from Farmer Lake. They should be thankful for a good water purification system. The lake board discussed the fact that property owners were aware of what they could and could not do before investing in their property. The lake board questioned why everything brought to the board by the commissioners for attention or change always seem to benefit the property owners. Every tax paying citizen of Caswell County owns an equal share of the lake. Other items discussed included: Identifying property owners by names and addresses with some source to identify them from others on the lake and also for the purpose of communicating with them. Special passes were discussed. This would require someone to handle administrative matters, a lot of extra work. The board talked about the need for additional lake personnel, at the county’s expense, for 24/7 monitoring, patrolling, and enforcing rules and regulations among the property owners. Certain existing rules and regulations would apply and be enforced. For example: No swimming or unnecessary body contact with the water; No alcohol, drugs, or other sources of impairment on county property; No weapons on kayaks and canoes; No littering; Creel limits adhered to; No fishing or launching kayaks and canoes on days of lake sponsored tournaments; Age requirements for operating kayaks and canoes. There was also a lot of discussion on liability issues with consideration of the 50 foot buffer and the fact that the lake itself is county property. Liability waivers were discussed. Another thing mentioned was that we would lose income for the lake if we allow free launching and free fishing. $5 per day for launching kayaks and canoes and $3 for bank fishing. Wildlife officers would, of course, continue to patrol the lake to enforce public water laws which would include, for example, proper equipment and license for fishing. No one under the age of 16 is allowed to fish or operate a kayak or canoe without an adult with a license. Other things were discussed but in the end, it was decided that all this would not be cost or time effective. It is likely, a situation which could get out of hand and set a precedence for the property owners to take liberties in pursuing other restricted activities. The negatives outweighed the positives and the decision was made that it just wouldn’t work. We must be consistent in the way we manage the lake. We cannot operate on two sets of rules, one set for the property owners and the other for the other 99 plus percent of county citizens as well as those who visit the lake from surrounding areas. This brought another question to the table. Why would we allow property owners to fish from their property at no cost without allowing other county citizens to bank fish in designated areas and launch kayaks and canoes at no charge. Someone mentioned in the minutes of your last meeting that many of the property owners are already fishing and launching kayaks and canoes from their properties. I had, personally, not been aware of this until recently when I had a complaint from a property owner who is trying to do the right thing by not fishing from his property. He told me that he could stand on his property and look across the lake and see people fishing from the bank and also launching kayaks and canoes. His question, of course, was ‘when did this change?’ Depending on your vote today, you may want to consider whether or not you want to begin issuing civil penalty citations for those who are breaking the rules. This can be done by the lake warden and his staff. It’s a $50 fine and can be paid at the county finance office. Anyone wishing to contest the citation can go to the clerk of court and get on a court docket to go before a judge. This is a directive which must come from you as county commissioners and also the county manager. You may consider warnings to alert them. The lake board, of course, reviewed the minutes of your last meeting for information in preparing ourselves for our own meeting with Commissioner Sterling Carter’s and Commissioner Hall’s concerns. In the minutes of your last meeting, Commissioner Hall said he wanted facts and not opinions from the lake board. I’ve presented some of the facts on the importance of water quality and the information I’ve shared from the lake board is factual. We did talk about all of these things. But the facts are in the folder we provided each of you last week which contain the Ordinances and Rules and Regulations and policies and procedures. It was decided at that meeting that you all needed to have a copy of this and that is where the facts are. I would also recommend that you take a look at the S.R. Farmer Lake History presentation, it is complete and very factual. Paula has a copy in her office and there is one here in the Library where I am speaking today. You can know and understand by reading this why Farmer Lake came to be and it is in its existence today. We thank you for this time on your agenda and appreciate your support of Farmer Lake. We also extend our deep appreciation for the budget money to buy a new boat so the lake warden can patrol the lake without being stranded on the water. I would also like to let you know that the lake board has cancelled the Kid’s Fish’n Fun Day for this year due to the COVID-19 virus. With 120 kids expected along with Mamas, Daddies, Grandmas and Granddaddies, lake board members, and volunteers it would just be too risky to pull of an event such as this. So thank you again very much, we appreciate your support of Farmer Lake.”

AMENDMENTS TO ARTICLE III OF THE CODE OF CASWELL COUNTY – FARMER LAKE AND RECREATION FACILITIES

Commissioner S. Carter stated “Mr. Chairman and fellow commissioners, I’d like to first of all express appreciation for Mr. Watlington’s discussion and presentation of information. I think the motivation for this has been misinterpreted and I disagree with some of it that was presented. I have spent a lot of time researching this. I’m grateful that the history of the lake was compiled. I spent a considerable amount of time studying that. We talk about economic development in Caswell County. We talk about enhanced property values. That’s one of the motivations for allowing this change to take place and of course when considering this change the number one issue as has been discussed in the past and presented to us is water quality, the watershed classification and I looked into this before. I looked into this here recently a second time. It’s a Class C water supply II watershed lake and in conversations with the Department of Environmental Quality, I have an email here dated June 29th from a Mr. Paul Clark. He is the Water Supply Watershed Protection Coordinator for the Department of Environmental Quality. ‘Mr. Carter, I was good speaking with you this morning. As confirmed by the water supply watershed protection fact sheet allowed and not allowed uses fishing, swimming, and use of boats either non-motorized or motorized is not prohibited by the water supply watershed protection regulations. Please see also 15ANCACN02B.0214.’ My clarification on this because, you know with it being a watershed, water supply II lake it also has the protections of Class C which reads secondary recreation includes wading and boating are uses involved in human body contact with water where such activities take place in an infrequent, unorganized or incidental manner. And I looked into the concern about swimming for instance which is not in this amendment and will stay out of this amendment but I asked is, you know, getting in a kayak or canoe or paddleboat that is non-motorized, a non-motorized vessel, is that considered contact with the water. He said no and that boating of all kinds as we currently know at the public launch is allowed. There’s bass boats on it all day long with motors and pollution going into the air and the water all day long. So my concern with the whole idea of launching vessels from private property is just rooted in the fact that a paddleboat, a canoe, and a kayak has no direct negative impact on the water quality of Farmer Lake or the ecology of the lake. Fishing from the bank whether that’s from that bank of the public access, the fishing pier, or whether that’s at Mr. Smith’s house, that likewise has no negative impact on the water quality of the lake so as intimidating as this ordinance amendment may sound and appear those are the simple changes taking place. I understand and listened intently to the points that Mr. Watlington made today about, you know, why can property owners do it and then you have the citizens only having access there. I have no problem with us looking into an additional public access points for bank fishing. I think that should be encouraged and not discouraged so if we are willing to look into that great but I have never understood since that lake was built why someone can’t fish from their bank and put a non-motorized boat in the water. This ordinance amendment is very clear and direct on that point. It requires them to fill out a liability form. They are subject to all the rules and regulations and ordinances of the lake and then part of all of this too is the fact that Mr. Watlington has also acknowledged and has been brought to my attention in the past and I have seen it with my own eyes while fishing and boating on the lake is that people are already doing it. There are kayaks and canoes and paddleboats on the water’s edge, in the woods, on private property within the setback boundary, the land that the county owns and people fishing and launching boats and this ordinance is not being enforced so that’s a concern of mine. We have an ordinance with the authority to enforce it with the civil citations that were mentioned, we need to be enforcing them but when I asked, you know, about enforcing them I was informed we didn’t have a boat to run the lake so it is a very complex and complicated situation and we should be diligent in keeping up to date and up to speed with what we claim to have established and enforce it here. Having additional staff on the lake, I think is something we should look into as well. We have this packet that was submitted to us Farmer Lake Board Rules and Regulations Policies and Procedures, I do have one concern the ordinances that are in this packet are the outdated version, versions of the ordinance that is currently in place after recodification and the rules and regulations on Farmer Lake we have a rule that says obviously that you can’t be on this lake unless during days and times that are set and regulated by the county but then again if you buy a season pass, I just did recently just to see how this process worked, you can get a gate code on Monday and Tuesday, can go there during the day when there’s nobody, no county staff on the lake. That’s a concern of mine mainly in the safety and security of our citizens. If one was to have an accident out there or fall over board and they are out there drowning it would take time for somebody to come to their aid and recently not having a boat that could run. All of that being said this amendment is nothing radical. It gives people the ability to fish and launch a boat from their lake property, non-motorized, the argument and the point of the water quality I agree and stand for that because you have motorized boats and you can’t tell me that their not negatively impacting the water quality and the environment of that lake but a paddleboat launched from someone’s property might and therefore the whole water quality issue becomes relevant at that point, that is simply not true. I appreciate the Farmer Lake Board looking into this and discussing it and it’s great that we are able to have these conversations but I would like to remind the Board of Commissioners just with any other boards and committees we have, it’s advisory, at the end of the day it is up to us if we want to make a change or an amendment to an ordinance that we have, I think this change is relevant and reasonable and I think would only enhance the usage of Farmer Lake. I think it would encourage property owners or future property owners to locate on the lake, to develop there, to add property tax revenue to the county and possibly even make the public more aware of what’s going on at the lake. Because I think other than the fishing aspect of it, it is a very underused lake in my opinion and it’s our only whole lake in the county and it should be utilized and our young people should be taking advantage of being out on the lake. I am not saying jet skiing and other crazy things but, you know, if they want to get out there and fish or get out there on a kayak or canoe as they currently can at the public access they should be encouraged to do that. We should not limit access to this lake within, of course, the confines of the watershed classification. Mr. Hall and I talked about this maybe about a month ago and made some bullet points based upon what we would want to see based upon what was reasonable and fair and I would also like to thank Brian Ferrell, our county attorney, for helping with the language and his suggestions on the ordinance amendment. Whether we pursue this as something through the end of the year as was originally stated or this being permanent changes that’s up to the discretion of this Board but the rationale for why and what this does is very clear and direct and it’s before you today for your consideration. I would like before the end of this discussion for Brian Ferrell, our county attorney, to go through this unless someone has any questions or concerns at this point that we could talk about.”

Commissioner W. Carter stated that he thought that everyone had read it and he did not think the county attorney needed to go through it and read it. Commissioner S. Carter responded “The document that was in the agenda packet was not the final version of it but again we are not here to pass this amendment today, we are here to review it and discuss it but I would like him to go through the final version of what we came up with which is not in the agenda packet.” Commissioner W. Carter stated that he had a couple questions. He stated that Commissioner S. Carter stated that he thought it was fine for people to fish from the bank but when the public goes to the lake they have to pay to fish and they have to pay to launch a kayak and it would not be fair to the rest of the citizens for some to not have to pay.

Commissioner Hall commended Commissioner S. Carter for his comments and added that one of the things that came up is about more fishing from the banks. He added that there is a lot of fishing that goes on at Farmer Lake but it is only by the citizens that can afford boats and most of the citizens can’t afford a boat and it would help more citizens if more areas were put in for fishing from the bank.

Commissioner Jefferies asked the county manager if there was a requirement of 3 acres on Farmer Lake in order to build a house. Mr. Miller responded that he was not sure about the acreage requirement in and around Farmer Lake but he did know that there were areas in the county that required 3 acres in order to build a house so it would not surprise him if this was the case. Commissioner Hall stated that the Countryline Creek Watershed requires 3 acres. Commissioner Jefferies stated that if there is an acre requirement that would put more tax base and economic development for the county and the people that owned the land would have something to look forward to. Commissioner S. Carter responded “That would make sense.”

Commissioner Hall asked Mr. Ferrell if there was anything the Board needed to do before voting on this ordinance amendment. Mr. Ferrell responded that this is a police power ordinance which means that there is no public hearing requirement but the Board can call for a public hearing. He added that the Board’s Rules of Procedure deem in which the meeting that the ordinance is first heard or produced which would be today, any ordinance, amendment of repeal, requires a unanimous approval upon first introduction to be approved at the first meeting it is introduced. Mr. Ferrell stated that if the amendment receive a majority vote it must be brought back for consideration within 100 days after for consideration again and if it gets a majority vote at that time it is deemed approved.

Commissioner S. Carter stated “Mr. Chairman, if there is nothing from any other commissioners, I did ask the county attorney to walk us through the final version of the ordinance and explain the parameters in point.” Mr. Ferrell responded “I am happy to do that. So again, the ordinance that’s in your agenda packet was the first version and we worked together, Sterling Carter and I, Commissioner Carter and I worked together on an amended version that I believe you all have and so that’s the version that I am speaking about. The proposed ordinance would amend Chapter 24, Section 24.64 of the Code of Caswell County. It’s just a change of one section of the existing Code and it has multiple parts. Essentially the primary changes are to add a new subsection (a), (b), and (c). Subsection (a) would allow private property owners and members of their immediately family who have completed a fully executed recreational liability form, Farmer Lake Recreational Liability Form, which is essentially a liability waiver that I would draft. It would allow private property owners and members who have completed and returned that form access to the shoreline of the lake directly adjoining their private property for the purposes of fishing and launching non-motorized vessels on the lake according to the rest of the provisions of the chapter. So that’s subsection (a). Subsection (b) specifies that private property owners that have non-motorized vessels who have executed and returned a completed recreational liability form would be exempt from the boating permit requirements of this chapter for non-motorized vessels again. Subsection (c) would provide that when launching non-motorized vessels and fishing the launch must be in and out of the water. The vessel may not remain on the water when not in use. The person is authorized to launch the vessels, may beach those vessels on the shoreline solely for the purpose of launching and recovering the vessels. There’s no allowance for mooring or storing vessels in the lake, they must come in and out. And then again it specifies in Subsection (c) that other than the exceptions we have talked about all persons accessing Farmer Lake must abide by the other rules and regulations in chapter 24 of the Caswell County Code and the County reserves the right to revoke somebody’s access if they are not following the rules. And again Subsection (d) essentially is a resotation of all of the existing rules in the Farmer Lake area except that it does remove any inconsistencies in the laundry list of unlawful activities to the extent their inconsistent with Subsections (a), (b), and (c) above, right, to the extent that they are prohibited fishing anywhere except the public access, that has changed to say subject to the provisions allowing fishing from the bank for instance. There are a few changes there in the list of unlawful activities but really the only changes are designed to make it consistent with the new additions above. So that is how the amendment is constructed and drafted. I am happy to answer any other questions about how the language reads.”

Commissioner S. Carter stated “I would like to ask some questions.”

Commissioner Jefferies asked about adding floating docks on the lake. Mr. Ferrell responded that docks are not permitted on the lake.

Commissioner S. Carter stated “Mr. Chairman, I’d like to ask the county attorney a few questions.” Chairman McVey responded “Alright.” Commissioner S. Carter continued “Mr. Ferrell in your research on this issue as well regarding water quality regulations from the state would launching a kayak, a canoe, or a paddleboat from the bank, whether that’s at the public access point or from private property have any…would that be in violation of the watershed classification?” Commissioner W. Carter responded “I object to the county attorney answering that question, he doesn’t work for the water supply management so that’s not an appropriate question for him to answer.” Mr. Ferrell responded “And I don’t want to get into the back and forth and what I will say is there’s launching activity that goes on right now and I will just leave it at that.”

Commissioner Hall stated that the general counsel works for the Board and the Board is entitled to his opinion if another commissioner asks for it. Commissioner Jefferies responded absolutely. Mr. Ferrell responded that his response is the lake allows for the launching of boats and this is currently being done so this would not change. Commissioner S. Carter stated “Okay.”

Commissioner S. Carter stated “In addition to that I’ll remind the Board that Paul Clark who’s the Water Supply Watershed Protection Coordinator for the Department of Environmental Quality says the use of boats, non-motorized or motorized, is not prohibited by the water supply water shed protection regulations, I will state that as a fact again. And then in turn of it, having an impact on the lake, different from a motorized boat, the logic there. Originally I’ll answer one of the points of both Mr. Watlington and Commissioner Bill Carter originally the rationale for the private property owners not having a boating permit requirement or a fishing permit or whatever you would call it is the fact that those boats, non-motorized are smaller, cheaper, they are pleasure crafts. As on Hyco Lake, for example, I contact Josh Atwater, the chairman of the lake board, lake authority there and asked him that question, do you have to pay to launch a I give the example of paddleboat because I have one, do you have to pay to launch one there whether it is on a private access point or private property and the answer was no.” Commissioner W. Carter responded “We are not talking about Hyco Lake, we are talking about Farmer Lake so it’s irrelevant what Hyco Lake does, this is concerning Farmer Lake. The public has to pay to fish over there and to let people fish from the bank is not fair to the rest of the citizens of the county.” Commissioner S. Carter continued “Mr. Chairman, I was talking.” Chairman McVey responded “Go ahead.” Commissioner S. Carter continued “I was using it as an example to the discussion not specific to Farmer Lake but I have no problem if we want to consider a boat permit whether it’s for a non-motorized vessel on Farmer Lake. I would not be against that at all. And as far as the fishing point I don’t understand why there would be an issue to require the citizens on private property to have a fishing permit and that being an unfair situation compared to the public going to the lake because in my opinion the citizens of the private properties have to have just like everyone else and pay for is a valid and current license license from the Wildlife Resources Commission but again just like boating permit I have no problem if we want to have the private property owners to pay for a season pass to fish from their bank if that was part this amendment I wouldn’t be against it in order to accomplish the intent of the amendment.”

Commissioner Hall stated that he would like to offer a motion.

Commissioner Hal moved to approve the Amendment to Article III of the Code of Caswell County – Farmer Lake and Recreation Facilities.

Commissioner Owen asked Commissioner Hall to resend his motion. He stated that the reason for this was because he has sit on the Board for 6 years and the first 3 or 4 all he ever heard was to not vote on something that was new and the Board has not seen this amendment in person. Commissioner Owen stated that he would rather that the Board wait to be able to think about the things that have been said today and take action at the next meeting. He stated that if the vote happened today he would vote no. Commissioner Owen stated that he would like to be able to look at the changes and think about it and reflex on all that has been said today and see the amendment himself before making a decision. Commissioner Hall responded that he did not have a problem with that. He stated that the general counsel that since this was the first time presented it would require a unanimous approval so he wanted to get a feel for where the Board stood. Commissioner Hall stated that with Commissioner Owen’s comment he had no problem resending the motion but he would like to see it on the next agenda for approval.

Commissioner S. Carter stated “Mr. Chairman, last thing I am going to say and I will leave y’all alone. I have no problem with having this on the agenda for the next meeting. I will agree that the final version of the amendment has not been seen by the full Board and I would agree with Commissioner Hall to add this on our agenda for I guess the first meeting in August and would ask Mr. Ferrell if he could email, have paper copies available to the Board and staff of the final versions so it will be in the agenda packet that meeting as well as be available to the public and anyone else that would like to know what’s going on.”

Commissioner Owen stated that this will give time now for those who own property on Farmer Lake to voice their opinion on this matter before the Board takes a vote. Commissioner S. Carter responded “Sure.”

Mr. Ferrell stated that he would provide the latest version to the clerk so that it is available for circulation or review. He asked if the Board wanted him to work on the issues regarding the payment issues that were brought up today. Commissioner S. Carter responded “Personally with the sentiments that I’ve heard I think we should have two versions of it. One with that and one without. And the season pass can be fluid with the season pass of the public access as far as the fee goes.”

Commissioner Hall suggested that the Board go with what general counsel read today. He added that he did not want to have this on the agenda at the next meeting and have it said that it is the first presentation of the ordinance. Commissioner S. Carter responded “True. “Commissioner Hall stated that Commissioner Sterling Carter asked general counsel to review the amendment and that has happened and he added that this was the reason why he wanted to offer the motion.

Mr. Ferrell responded that this made sense to him. He added that he would forward the amendment to the clerk. Mr. Ferrell stated that the Board always authorized to change the language before adoption.

Commissioner S. Carter stated “Thank you and thank y’all for your consideration.”

Commissioner W. Carter stated that his recommendation would be to vote for the Farmer Lake Board’s recommended. Commissioner Hall responded that he understood Commissioner W. Carter and he knew he would vote against the amendment but the Board needs to keep an open mind so his suggestion had to do with process.

COUNTY MANAGER’S UPDATES

Standing Together 6 Feet Apart T-Shirts

Mr. Miller thanked the commissioners, department heads, staff at the health department, staff at EMS for wearing the “Standing Together 6 Feet Apart” t-shirts and added that this official kicks off the County’s public awareness campaign. He stated that road signs have been installed on different properties throughout the county and this will continue throughout the week. Mr. Miller stated that WFMY, WXII, and FOX 8 are running or will start to run TV commercials for the Caswell County COVID-19 Awareness campaign. He stated that he expects to have all the items in this week to start the distribution of the COVID-19 awareness bags. Mr. Miller gave a special thanks to Ryan Millner from the Caswell Family Medical Center who designed and ordered everything for the COVID-19 awareness campaign.

Solid Waste Convenience Sites

Mr. Miller stated that several proposals have been received for the Prospect Hill and Leasburg Convenience Sites and he plans to have this on the next Board’s agenda.

Commissioner S. Carter asked “Mr. Chairman, just a follow up on the question I asked at the last meeting regarding the zoning video, is there any update on that being posted and available online to the citizens?” Mr. Miller responded “I had specifically asked some of our employees to start creating a YouTube channel. There was not a generic email address that could be used if multiple departments are going to be using the YouTube channel we didn’t want one specific employee’s email address being used to create that social media platform so I’ve requested from the finance office that we have a caswell@caswellcountync.gov email address to use as a generic email for the creation of the YouTube channel so we are moving forward with that, yes.” Commissioner S. Carter continued “Okay. And I want to make sure that the links to that as well as the version of the presentation that was prepared will be put in the tax notices that we’ve discussed going out to the citizens for informational reasons before the referendum and also before we do the countywide zoning meeting for the zoning.” Mr. Miller responded “Okay.” Commissioner S. Carter asked “And then I have another one, sorry Mr. Chairman, just a quick question, have we received or compiled any dates for a joint meeting with the Board of Education and the Towns of Yanceyville and Milton?” Mr. Miller responded “No, we haven’t.” Commissioner S. Carter continued “Can we do that as soon as possible?” Mr. Miller responded “As I think I said at our last meeting, the Town of Yanceyville and the Town of Milton have indicated that they really don’t have any interest in meeting jointly. Now what we can do is schedule a meeting and invite them and if they come great and if they don’t come that is fine too. I’m happy to follow that path if that’s what you would like.” Commissioner S. Carter stated “I think that’s fine and dandy but I do want to state publically the Town of Yanceyville and Milton should be invested in what is going on with our children in this county and that is an agenda item that I would plan on discussing at this meeting based on the comments I made previously at today’s meeting about internet access, economics stability of our families in the county, and the safety of the children during this time of virtual education with parents being absent.”

 COMMISSIONER COMMENTS

Commissioner Owen stated “I just want to make a few comments. Just in reference to public comments today and I would like to say this first of all that, I want to people to understand the motion that was made concerning that statue, it was to remove the statue and not relocate it. I heard that mentioned several times so just so everybody knows that was what the motion was regardless of what may have been implied. The reference to demographics I want to just address that really quick because I used that and the reason I used it was not to show the difference in the demographics, the reason I showed it was to show that we live in a county that I believe is not a racist county, we have many, many, many good people in this county and so I used it to show that even though we had 62% or 63% Caucasian in this county we elected an African American sheriff with 61% of the vote so that’s how I used that. That was not for any other reason other than that. I would also say concerning those public comments I am sorry that you did not get to put those public comments in before we took a vote on that item. We generally try not to do that on first time items but we did it and it’s done but I appreciate all the comments that were public comments that were made.”

Commissioner Hall stated “I just want to give my thanks to the many citizens that took time to write their letters for public comments regarding the confederate soldier statute on the Square. Most of the people that wrote in I do not know but there appears to be a lot of hometown pride by African Americans for the Town of Yanceyville and I want to thank them for expressing their thoughts and taking time to write their letters to the Board.”

Commissioner Owen stated “I forgot one thing, I’m sorry gentlemen, I wanted you to know we do have a new business opening up in Yanceyville, it is called Ignite Nutrition. I ran into the owner the other day and he gave me a brochure but they are opening up in the, for a lack of a better term, the little strip mall up here where the pizza place is and I think they are going to open this week, I believe.” Commissioner S. Carter asked “What kind of business was that?” Commissioner Owen responded “It’s called Ignite Nutrition, it’s nutritional drinks.” Commissioner S. Carter continued “Okay.” Commissioner Owen responded “All types of nutritional drinks so if you want a soda that’s not the place to go.

ANNOUNCEMENTS AND UPCOMING EVENTS

A. BYSHS Groundbreaking Ceremony – Wednesday, July 22, 2020 at 10:00 a.m.

B. 113th NCACC Annual Conference – August 13 – 15, 2020 – Virtual

COSQUARE VIRTUAL TOUR

Mr. Miller with the help of Cori Lindsay, Economic Developer, and Kristina Torain, Caswell County Intern, to walk through a virtual tour of CoSquare.

Commissioner S. Carter stated “Mr. Miller I am sorry to interrupt you, I don’t know if folks tuning into this meeting know who Christina is, could you sort of formally introduce her?” Mr. Miller responded “Absolutely. We have with us today Kristina Torain. She has recently graduated from UNC-G with a major in Communications in Sustainability so she has joined us for a 4-month internship and hopefully we will be able to make arrangements for continuing her employment if she likes us and we like her but she’s doing some really good stuff for us now and will continue that throughout the next couple of months.” Commissioner S. Carter continued “Sorry to put you on the spot Kristina, we appreciate you being with us.”

The tour continued.

Mr. Miller was describing the snack bar area of the CoSquare and plug ins being under the bar at the bar stools.

Commissioner S. Carter asked “Bryan, I’m sorry again, those outlets, just a curiosity, do they have the USB plug ins or are they just outlets?” Mr. Miller responded “Those are just outlets I believe because we have Wi-Fi available.” Commissioner S. Carter continued “Right.” Mr. Miller responded “The data ports we have, Cori can you show where the river will run through, so you will see the portion of the floor that looks like it’s a little torn up, there’s going to be a mosaic style river that runs through there and you can see the little gray round circles in the middle of the river as I call it, those are going to be both electrical and data ports so if somebody needs to plug straight into a data port they can do so at those specific points.” Commissioner S. Carter continued “Very good, thank you.”

The tour continued.

Commissioner S. Carter asked “How many spaces are there?” Ms. Cori Lindsay responded “There are 12 offices and 3 conference rooms.” Commissioner S. Carter continued “And if the public is any bit curious at this stage of things do we know what range the rent costs?” Ms. Lindsay responded “The core membership is going to be $50 per month and the per desk rate, all of these offices are prices accordingly to how many desks will fit into the space but that rate will be $150 a month.” Commissioner S. Carter continued “And I guess what’s the max on a space like?” Ms. Lindsay responded “The largest one we have which is already rented is 8 desks.” Commissioner S. Carter continued “Okay.” Ms. Lindsay responded “The second is about 7.” Commissioner S. Carter continued “Gotcha.”

Mr. Miller asked Ms. Lindsay what the per desk space is rented for at other co-working spaces. Ms. Lindsay responded that she was just told that Greensboro is about $450 per month per desk space.

Commissioner W. Carter asked how many office spaces the company would use that is going to locate here. Mr. Miller responded that the company is currently slated for one office with the potential for growth. He added that there are two or three other businesses interested in the space. Commissioner W. Carter asked for the anticipated completion date on the project. Mr. Miller responded that he believed the completion, except for the doors that lead into the offices, will be completed by the end of July. He added that the door delivery is 6 to 8 weeks out but the county can start marketing the space at the end of July.

Commissioner S. Carter asked “When businesses apply for a space or maybe just the membership for the co-working space do they have to provide any sort of information, a plan for what they are using the space for?” Ms. Lindsay responded “Yes there is sort of an intake process that all businesses including just people that have a co-working membership.”

Commissioner Oestreicher asked if there were specific sound deafening provisions being made. Mr. Miller responded not at this time and added that individuals can use the phone booths for more privacy. Commissioner Oestreicher asked what kind of ceiling would be put in. Mr. Miller responded that everyone was looking at it, it is industrial. Commissioner Oestreicher stated that this would be easy to add sound deadening panels or cloth to if it gets too loud. Mr. Miller responded that it would be. Commissioner Oestreicher asked if additional lights would be added to the refreshment bar are because it was fairly dark. Mr. Miller responded that there would be additional lights added. Commissioner Oestreicher asked what kind of flooring there would be. Mr. Miller responded that the flooring would be the original flooring and added that the back flooring that is uneven an epoxy will be applied to level those areas. Commissioner Oestreicher asked if the existing flooring was tile, linoleum or concrete. Mr. Miller responded that it is concrete that has been ground down to expose the stone. Commissioner Oestreicher asked if this would be sealed. Mr. Miller responded that he did not think there was plans to seal it because it is not exposed to moisture. He added that if there is a need the contractor will advise the county to do it. Commissioner Oestreicher stated that it looked good.

ADJOURNMENT

At 12:25 p.m. Commissioner Owen moved, seconded by Commissioner S. Carter to adjourn. After a roll call vote, the motion carried unanimously. (Commissioners S. Carter, W. Carter, Hall, Jefferies, McVey, Oestreicher, and Owen voted in favor.)

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Paula P. Seamster Rick McVey

Clerk to the Board Chairman

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