MINUTES – OCTOBER 21, 2019

The Caswell County Board of Commissioners met in regular session at the Caswell County Historic Courthouse in Yanceyville, North Carolina at 6:30 p.m. on Monday, October 21, 2019. Members present: Rick McVey, Chairman, Jeremiah Jefferies, Vice Chairman, Sterling Carter, William E. Carter, Nathaniel Hall, Steve Oestreicher and David Owen. Also present: Bryan Miller, County Manager, and Brian Ferrell, County Attorney. Paula P. Seamster, Clerk to the Board, recorded the minutes.

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 audience recited the Pledge of Allegiance.

APPROVAL OF AGENDA

Commissioner Owen asked to amend the agenda to remove Item #8 Crisis Response Team.

Commissioner S. Carter stated “Mr. Chairman I would like to add an item too, an additional closed session to the agenda, to prevent the disclosure of information that is privileged or confidential (NCGS 143-318.11(a)(1)).”

Commissioner Owen moved, seconded by Commissioner S. Carter to approve the agenda as amended. The motion carried unanimously.

APPROVAL OF CONSENT AGENDA

Commissioner Jefferies moved, seconded by Commissioner Owen to approve the Consent Agenda. The motion carried unanimously.

The following item was included on the Consent Agenda:

A. Approval of Minutes of October 7, 2019 Regular Meeting

PUBLIC COMMENTS

Chairman McVey opened the floor to Public Comments.

Chairman McVey stated that quite a few people signed up for Public Comments and he asked that each speaker keep their comments to a maximum of 3 minutes and he also stated that Commissioner Owen would let the speaker know when he or she is down to 1 minute remaining to speak.

Mr. Mark Langan, 1078 Wilson Road, Hurdle Mills, stated “My name is Mark Langan and I am a neighbor of all of the residents and farmers who live near this proposed quarry. First, let me state that I am not against quarries. Stone is everywhere in our society, in our neighborhoods. Gravel roads and driveways are everywhere and especially so in Caswell County. I am not against quarries. I am, however strongly opposed to the placement of this proposed stone quarry. The proposed area includes creeks that feed drinking water, tobacco farmland and other farmland and nearby neighbors who treasure the quiet country and beautiful wetlands. In my opposition, I wish to speak about the negative effects of dump truck diesel, as there will be numerous small and large dump trucks transporting aggregates wherever this quarry is placed. Rock extraction and dump truck transportation make quarry operation both a stationary and a mobile source of particulate matter, respectively. One study found high concentrations of fine and coarse particles in a quarry’s neighbor surroundings. Another study found fine and coarse rock particles and fine soot particles from the diesel used in the explosions of a quarry. In fact, a major source of soot particles in quarries is derived from the diesel exhaust of the dump trucks used to transport the extracted aggregates. Diesel engines emit a complex mixture of air pollutants, composed of a variety of harmful gases and solid materials which include carbon particles and over 40 other known cancer-causing substances. Also, dump trucks disperse particles to the surroundings when they traverse the unpaved roads of quarries and when they dump their cargo. Diesel exhaust and particulates from quarries are suspended in the air, thus exposure to these pollutants occurs whenever a person breathes air that contains these substances. Those living or spending time near the quarries or the roads with the diesel dump truck traffic face exposure to higher levels of particulate matter and may face higher health risks. Multiple studies have shown that particulate matter pollution from quarry operation and diesel exhaust is associated with an increase of several diseases such as heart diseases, respiratory diseases, and several types of cancer. A single quarry may operate six days per week and have more than 40 diesel-truck trips daily to transport the aggregates. A study conducted in one quarry documented that, although safety measures were taken in this quarry, dust and particles reached the surrounding communities over a mile away. Thank you so much for your time.”

Ms. Heather Langan, 1078 Wilson Road, Hurdle Mills, stated “My name is Heather Langan. My land sits in both Caswell and Person Counties. My husband spoke about exhaust and particulate matter, I would like to speak a little bit about particulate matter and it effect on the land, air and water. Particulate matter is a complex mixture of really small particles and liquid droplets. It’s mostly too small to see, so you’ll be breathing it without knowing it. The EPA says that these particles can be carried over long distances by wind and then settle on ground or water. Depending on their chemical composition, the effects of this settling may include: making lakes and streams acidic, depleting the nutrients in soil, damaging sensitive forests and farm crops, contributing to acid rain effects. There are four main types of mining impacts on water quality: Acid mine drainage, its terrible; heavy metal contamination & leaching; processing chemicals pollution; erosion and sedimentation. All of these can cause catastrophic effects on quarries surroundings environment. In terms of water quantity, quarry owners often claim that fugitive dust will be mitigated on site. However this requires enormous amounts of water. This use of water can deplete an aquifer, as well as contaminate it with carcinogenic heavy metals. The EPA says that mining can deplete surface and groundwater supplies. Groundwater withdrawals may damage or destroy streamside habitat many miles from the actual mine site. In terms of the effects on farming: high concentrations of trace metals pose a great threat to general ecosystems due to their persistence, inherent toxicity, consequent bioaccumulation and biomagnification in the food chain. In plants the blockage of stomata hinders photosynthesis in areas around quarrying sites. In spite of Sun Rock’s claims, mitigation measures for pits and quarries are often inadequate. Many experts feel that governmental allowable particulate matter standards do not go far enough to ensure safety. Please join us in fighting this attempt to locate a quarry in the heart of beautiful Caswell County. Once done, it cannot be undone. Thank you.”

Mr. Ed Dougherty, 2685 Ridgeville Road, Prospect Hill, stated “Good evening and thank you for the opportunity to express my concerns regarding the proposed quarry operation. My name is Ed Dougherty and I reside, with my wife Dawn, at 2685 Ridgeville Road in Prospect Hill directly across from the proposed quarry site. We are relatively new residents to the county having purchased our historic home just two years ago now. The real estate listing at the time described it as ‘the premier example of a Queen Anne Victorian in Caswell County’. Originally built in 1890 by DE Wilkinson it remained family occupied for nearly the next 100 years. It later became locally referred to as the Judge Allen’s house and Judge Allen being a long time Caswell County judge and community figure in this community. When we closed on our home I remarked to the sellers how we felt as much caretakers as owners of this beautiful home and property. We still do. It’s hard for me to express the joy we have felt living here the past two years. The prospect of the sounds of birds in the morning being replaced by the piercing back up alarms and crashing sound of gravel being loaded, the peaceful sound of farm tractors rolling by as the farmers waves replaced by the thundering of heavily loaded dump trucks heading hurriedly off to drop their load and return/repeat is quite distressing and disheartening. Our 130 year old home sits on the original brick and mortar foundation, from bricks cast on site, and retains the original plaster and wire lathe walls. As do our neighbors, we rely solely on our well for supply of clean water for drinking and use in our gardens. Ground vibrations induced by blasting is one of the fundamental problems in the quarrying industry and may cause severe damage to nearby wells and structures. Our historic home could be particularly vulnerable because of both its age and proximity. Again, we are directly across Ridgeville Road from the site. The other known environmental impacts of quarrying include: loss of natural landscape and biodiversity, loss of aesthetic value to the local landscape, diminished property values, noise pollution, air and water pollution, dereliction, changes to local hydrology of water flow and quality as well as erosion. Fine particulate dust is a known byproduct of quarry mining is impossible to fully contain. Beside the nuisance factor, it poses a severe health risk to the community, especially to senior residents and those with already diminished lung capacity. Additionally, it is known to increase the burden on residential heating and air systems, adding to the demand for maintenance and shortens the lifecycles of the equipment. Mining and quarrying can be very destructive to the environment. They have a direct impact on the countryside by leaving pits and heaps of waste material. The extraction processes can also contaminate air and water with sulfur dioxide and other pollutants, putting wildlife and local populations at risk. Quarry mining is a water intensive operation and will surely burden our local aquifers and threaten our water tables. Add to that the threat to Roxboro Lake. Three major tributaries to the lake that supply drinking water to our neighboring county cross the proposed site and with that I join with our neighbors to say ‘no quarry here, it’s not too late’ and call upon this commission to support our concerns and to put the health, safety and wellbeing of Prospect Hill residents above corporate interests. Thank you.”

Mr. Chuck Cooper, 1810 Hensley Road, Prospect Hill stated “I am not a scientist but this is a bad idea on a colossal scale. I’m about 2 or 3 miles away but I feel the concerns of the past speakers, I renovated a house built in 1855 and have the same concerns that they do about maintaining our cultural heritage. I moved here for the quiet and the agricultural setting and this is anything but that. I’m concerned about the heavy water use that these types of operations have consumed. We have no idea what this is going to do to the water table. We don’t know if they are going to drain our wells dry. The blasting schedule is horrific, I can’t imagine us all having to rearrange our lives around a blasting schedule and having trucks rolling up and down the road at all hours of the day and night, it sounds horrific to me. I imagine that the only thing that this corporation has touted as a plus is jobs creation but if you think about it what will happen is that their trucks on site and their equipment on site will be upgraded with automation to be driverless and operatorless so what we will end up with is a whole massive proportions with no human beings in it. I don’t know if there has been an environmental impact statement done and if not I would ask why. I can’t imagine this even happening, I feel like we are in the twilight zone and I hope to goodness you folks will not allow this to happen.”

Ms. Ashley Wrenn, 2372 Ridgeville Road, Prospect Hill stated “I’m here today to express my concerns over the proposed rock quarry in Prospect Hill. Have any of you seen and read the mining application sent to the state from Sunrock? Okay let me highlight a couple of things that I read in this permit. On page 16 of the permit application under Will the operation pose any dangers to the public property? Sunrock response was they did not anticipate any problems however they will be blasting within 300 feet of two public roads, Wrenn Road and Goose Creek Road. Sunrock proposes for safety to close both of these public roads during each blast. I ask each of you does this sound safe? Would you want to travel this road daily? There are several families that use these roads. These roads are used to get to work and children to school and the farmers are on these roads with tractors. On page 17 of the permit application under Will explosives be used? Sunrock states yes and they will use the best standards to minimize flying rock. They also state that it should be noted that blasting characterizations in the report are conservative and that all blasts are individual by nature of location, and size, power factor, and geology meaning that it’s unpredictable. In any case Sunrock feels they have enough experience and will use best practices at this facility. Does this give you full confidence in the safety of the public? I also encourage you to read the water study. As you read this report you will see that there were problems at every step of the testing. There were problems with equipment not working correctly at the sensors and the test wells. Also at the test they required 42 hours, they required 42 hours but it was stopped at 30 hours due to equipment failure. Also they stopped testing for 72 hours for wells to recover. When the quarry is in full operation running 7 days a week do you think they will stop for 3 days to let the wells recover? I ask you to please read this report to see if you feel comfortable with the results. The Sunrock representative emphasizes that they wish to do the right thing but I ask you, is taking shortcuts on the tests the right thing to do? One other thing in this report is the water quality test. You will see that this report shows high amounts of mercury, do we need to even take the risk of more possible contamination? I ask you as commissioners who have been elected to represent the citizens of Caswell County to please use your voice and oppose this proposed rock quarry on Wrenn Road due to the safety of the public, of my children, and other children on this road. I am sorry, Mr. Owen, Mr. Miller you have kids and you have grandchildren would you want them to live next to these blasting and next to this contamination of rock? Please do what you can to oppose this rock quarry. Thank you for your time.”

Ms. Leslie Zimmerman, 732 Solomon Road, Leasburg, stated “Good evening…I have some graphics here so it may take me an extra 15 seconds. This is the proposed quarry size for Prospect Hill, its 680 acres. This is the quarry in Pelham, Shelton quarry and it is 325 acres, less than half the size of Prospect Hill’s location. This is the Kittrell quarry; it is 376 acres so it is just a little bit bigger than the one in Pelham. Now I know you all went out to Woodsdale in Person County to visit the quarry. It was beautiful wasn’t it, nice and green, not too many rocks? That’s because it is only 293 acres, less than half the size of the Prospect Hill quarry. This is the Butner quarry, this quarry Sunrock did in 1985 and it is 1128 acres. It will not take long for Prospect Hill to grow to the size because neighbors will decide to sell their land for a quieter, healthier, safer place to live. Before I keep going, please stand if you are here about the quarry. I will go as fast as I can. We understand that, although you have an interest in this matter and share some of our concerns, you don’t have the ability to prevent the quarry from operating. In essence, you have said your hands are tied. However, I want to take a few minutes to point out you have some policies in place that do address the issues this quarry will bring to Caswell County. In 2012, the Board of Commissioners adopted the Caswell County Farmland Protection Plan, which addressed concerns that farmland, would go to other uses, by prioritizing the preservation of the agricultural way of life here. The NC Cooperative Extension has identified the quarry site as a “Prime Zone” having some of the best agricultural soils in the county. June 2017, the Board of Commissioners adopted the “Health in All Policies”, approach in the policy making process in order to ensure that policies made outside of the healthcare system have positive effects on the determinants of health including but not limited to public safety. All policies in Caswell should meet all basic needs of life including safe drinkable water, clean air, soil, and minimize toxics. There are several commissioners’ boards and committees in place that you have nominated positions and should have a concern about the quarry. I encourage you to try to engage these boards to give input so that they, you or we can present a case to the DEQ that a quarry does not belong in Caswell County. Here are the relevant boards: The Agricultural Advisory Committee – purpose is to promote agricultural values and general welfare of the county, and increase protection from non-farm development. Committee duties include: Advise the Board of Commissioners on projects, programs or issues affecting the agricultural economy or activities within the county that will affect agricultural districts. The Board of Health – Has the responsibility to protect and promote the public health. Hunting & Wildlife Advisory Committee – Purpose is to focus public attention and energies on wildlife preservation efforts in Caswell County taking into consideration wildlife conservation needs and public safety concerns. Local Emergency Planning Committee – Purpose is to address the hazardous materials and communities right-to-know. Piedmont Conservation Council – Purpose is to address natural resource problems and solutions. Planning Board – Purpose is to prepare and from time to time amend and review a comprehensive and coordinated plan for physical development of the area. To establish principles and policies for guiding action in the development of the area. To prepare and recommend to the Board of Commissioners ordinances promoting orderly development of the county’s land use. To keep the Board of Commissioners and the general public informed and advised as to these matters. Soil and Water District Board – Purpose is to identify local soil, water and related natural resource concerns, set natural resource priorities and then develop, implement and evaluate long and short range plans and programs to address these prioritize resource concerns. Again, I encourage you to engage these boards to give input in their areas of responsibility so that they or we can present the case to the Department of Environmental Quality that a quarry does not belong in Caswell County. Thank you.”

Ms. Amy Pearson, 720 Solomon Road, Leasburg, stated “I am a lifelong Carolina resident and that is really hard to follow Leslie, that was amazing, thank you very much. I want to say I agree with everything and appreciate all of the presenters before me and what I want to say is my husband and I attended the community meeting with Sunrock and we were quite impressed with all of their charts and all of the information that they brought and they did share several times that they want to be a good neighbor. So during the meeting a gentlemen stood up who actually lived on Wrenn Road and he said well you haven’t been a good neighbor to me, we listened and we were curious so we drove down Wrenn Road and saw apparently an asphalt area, they were going to propose a plant there and we understand they may continue to come back and do but it was a mess. It was rusty old stuff and looked terrible and if I lived next door I would be very concerned. Then the other thing I just want to say or reiterate about and this is not scientific but what is there is a oops and I say that because with all due respect we have some amazing companies in our state, one that I do a lot of work for that was a big oops with some coal ash and I just saw a thing on Netflix about Dupont and these are amazing companies and they did all the studies and they did all the tests and they said we are good and look what happened so my hope is that you all will really consider the vulnerability of our community and that we rely on our wells and our water. We don’t have another option so my question is what happens especially to those wells that are right near the site? Do they bring in a truck with potable water, I mean I don’t know what the answer is but my hope is in your roles as protecting us in Caswell County that you will do everything you can to help us prevent this quarry from coming. Thank you very much.”

Ms. Cindie Kirby, 117 Kirby McNair Porter Road, Prospect Hill, stated “A little more than a year ago we proposed a subdivision on the lake that is in question, we stressed quality over quantity. We are trying to increase the tax base for Caswell County trying to a pleasing place to be. The real estate prices and tax base are headed in the right direction for Caswell County. The properties are going up around the lake. We have very little property that is for sale. The houses are being marketed and everything is going very good. The people of this area where the quarry is being considered they are hardworking, churchgoing people, there your neighbors, they are the ones that put you here where you are and they enjoy that quiet family life. We don’t believe that they deserve to have blasting and constant dump truck noise along with potholes and road damage and all of those things. Those are some of the immediate visible problems. We would ask that you consider all of particle dust that has been described. The water pollution and things that go on. My main concern is the quality of life for all of the people around the quarry. One of the main things is we tell is the water quality, everyone is concerned with the wells whenever they are pumping out and cleaning out so much gravel, silt has to go somewhere and it is going to go into our streams. There is two major streams that feed Lake Roxboro where we are at and both crosses this property at the Wrenn Road so it’s inevitably going to go into this water that is a drinking source water. We have another year with the 2 months drought like we had this summer and you got so much water being pulled through the water table so I think drilling wells is going to be an issue with being able to replace water for our neighbors. Those kinds of things do get pushed under the rug with lawsuits and you know get settled behind closed doors but they also get settled in the quarry’s favor because then because your property has already been devalued by the quarry so we would just ask that you would try to support your tax payers and that you would help us in fighting against the quarry. I am not saying that a quarry is a bad thing, just the placement of this one is not where we would like for it to be and with everything increasing on the tax base in this area and the family, the community and the hardworking farmers we would just ask that it placed in a different position. Thank you for your time and your support.”

Mr. Bruce Pleasant, 1268 Painter Road, Prospect Hill, stated “Prospect Hill has always been an agriculture community. This proposed quarry will be probably the most significant change in land use the community has ever seen. It brings to light the realization that without any restrictions or growth or planning for growth and we may actually be getting what other counties may not want but we are powerless to resist what other counties are pushing away. I would respectfully request that this body consider the future development of this county or what it would look like and protect and preserve the essence of the county by taking positive steps to try to curb or to restrict unwanted development. I think the Caswell County citizens deserve that and this potential quarry has the potential to have a long term and permanent impact to our community as we know it. We ask you to please help us and to do what you can going forward because we need to consider what the future development of this county will look like. Thank you.”

Ms. Virginia Chandler, 133 Lake View Road, Prospect Hill, stated “I’d like to provide some more facts and figures regarding the dewatering process that takes place with a quarry in operation and what’s part of the permit application that has been submitted. We’ve already heard previously about concerns about the testing that was done for the pumping test that were not completed over the 42 hour period as were required. Quarry dewatering is a pumping distress on the aquifer and this creates what is known as the cone of depression which results in aquifer being drawn upon the surrounding areas. In the permit application it is estimated that the 550 foot quarry which is proposed will have a radius of influence of 1300 feet. Currently there is one residential well that falls within that 1300 foot perimeter and there are an additional eight residential or combination residential and agricultural wells that are right on that boundary. This observational well study was conducted over the period of April 30th to May 8th. I think we all remember what spring we had. From the US Climate Data for Yanceyville for the months of January, February, March and April we were nearly 3” over the average annual waterfall. This was when the pumping observation study was conducted. Currently according to drought.gov we are in a moderate drought. For the months of June, July, August and September we are down 2.42 inches of water and that is even with an excessively wet June that was in one month over by 5.37 inches. Under a moderate drought it is noted that some damage to crops and pastures will occur, I think we have all seen that driving around. It’s also noted that some water shortages will develop and that voluntary water use restrictions are requested. So I ask given that there is one residential well and I say the word well but I think we need to remember these are families, these are not just wells it is the drinking water for families so given that there is one family relying on drinking water that falls within that 1300 foot radius of influence and an additional 8 families that are right on that border based upon faulty pumping studies that were conducted when we had an exceedingly wet spring, I ask if this is really a great idea to put the quarry there and I ask you all for the protection of the drinking water for the people that reside in that area that you do what you can to prevent that quarry from going in and preserve the drinking water quality for the people that live there. Thank you.”

Chairman McVey asked if there was anyone else that would like to speak that was not signed up.

Mr. George Daniel, 6059 Highway 62 N, Blanch, stated “This is a beautiful county that we have, a beautiful county that we have that our local government officials watch over. We have a long history of being very proud of our county, we are proud of our land; it only takes a short look to look back 65 years when Hyco Lake was put into place. Actually the lower has it that power facility was going to be here but it got moved to an adjacent county. Within a period of time after that Roxboro came and put a watershed lake right in Caswell County in Prospect Hill, that’s where the city lake is. That was bothersome enough that shortly after that General Assembly put into law that no other county could come into another county and condemn land or seek land for public good without coming to the legislative body first and that is you. Even in my tenure in office I had the opportunity to be a part of protecting our northwestern part of the county develop and it was sometime around 1988 or 89 when they were looking for to put the radioactive I say a dump but anyway a place for a depository I felt very concerned that they were going to be looking at a farm in the northwestern part and I was a member of the Environmental Review Commission and as a legislature I was able to petition and put in enough specifications that there was no way they were going to pick on our northwestern part of the county. After that we had a transmission line from then Carolina Power & Light, now Duke, and the citizens of this county stood strong that they did not want that to come through. Our legislative body heard us and we were able to stop that. And then just 25 years ago we had BFI that came and our county citizens voted and we were able to withstand no incentives but they said we will pay the taxes but we still did not want that here. This county has a long history of believing in its environment and believing in its land and saving what we have best for those to come. Please remember, the Board of Commissioners, you are our leaders please stand with us and help us just do that. We don’t need for Raleigh and Durham and all of the citizens that are going to come this way to enjoy a wonderful place to live. As far as I am concerned the central part of the Triangle and Triad can be met with a quarry. Thank you.”

Ms. Jennifer Wynn, 15354 NC Highway 86S, Prospect Hill, stated “What I hold here in front of me is the Dan River Region Health Equity Report from 2017. I mentioned the last time we were here about all the health risks that have been proven that come from a rock quarry to include a severe increase of cancer. Cancer is very near and dear to my heart as you guys are well aware as I spoke on last week, I still have my hospital bracelet on from today’s infusion treatments. This map here shows the rate of cancer for the county as well as the Danville Region. If you notice in the northwest corner where Pelham is, where our rock quarry is here in the county, it is in blue which is down here in the rates of cancer. Prospect Hill is in the light green for good. Furthermore Prospect Hill is below the state average for cancer deaths. That is very important for me as I have two little girls here in this room with me today. Putting a quarry in our community would drastically impact the quality of my life as well as other citizens for future generations here in Prospect Hill. We ask you guys to stand with us and do everything you can to prevent this quarry in our community. Thank you.”

Mr. Mike Clayton, 12357 NC Highway 86S, Prospect Hill, stated “I don’t know how many of you have ever been in a rock quarry, I have been in a few. I was in Vietnam for 13 months, I am legally deaf, not just from the rock quarry but that was part of it. I’ve heard B-52s; I’ve heard a lot of artillery and a lot of things. There is no such thing as a quiet rock drill, nobody even mentioned the rock drills, it sounds like a wide open machine gun. I have never seen a silent dump truck. Dust, dust, dust, and other stuff I can tell you that. You know what’s amazing been a few years that I have been back home; I never thought I would come back home and hear that something like this was coming into my community. I’ve lived here almost 74 years, it’s a good place, a beautiful community and over there there was nothing to stop you, there was only one thing that we almost lost the rock quarry with and I will leave you with this, we had a rock blowed out and went so far it knocked the ear off a Buddha statute and local almost canned us but we don’t have any luck with doing that here. This thing right here Caswell County is too great I came home to a proud county, a beautiful county, a simple county and now we are going to bring these in, that’s not good. Thank you.”

RECOGNITIONS

Commissioner W. Carter recognized EMS, the Duke Life Flight personnel and firefighters for the tremendous job they do throughout the county.

Commissioner Oestreicher recognized Ms. Leslie Zimmerman for the work she is doing to organize the Prospect Hill community for making her voice known but also the citizens in the area that are likely to be affected.

Commissioner S. Carter stated “I want to thank everybody in this room for coming. I think I did the same thing at the last meeting when all of them came to speak and of course thank you Leslie you have done a great job with this. I just want to say again for those who were not hear before I’m with you 100%. I grew up 2 miles away where this thing is going to be. All of the concerns I have heard are legitimate, are relevant and they need to be voiced to this mining meeting and one of our representatives I will do what I can obviously in that situation but I am curious to ask if the Board has no major objections to it, I think I will be alright, with this situation many of you are aware that in a county like this we don’t have zoning and I hate to see a situation like this occur where citizens do not have a voice in their own communities, that’s the core issue for me so I wanted to ask if y’all could stand up if you are in favor of doing zoning in this county to help future situations to give our communities voices in these situations. And to the Board of Commissioners I will leave that to your consideration. Thank y’all.”

APPOINTMENT TO PIEDMONT TRIAD REGIONAL DEVELOPMENT CORPORATION

Chairman McVey stated that this is the board that Commissioner Owen served on and asked Cori Lindsay, Economic Developer, to serve in his place. He added that this corporation has asked that Cori be reappointed to this board.

Commissioner Owen moved, seconded by Commissioner S. Carter to reappoint Ms. Cori Lindsay to the Piedmont Triad Regional Development Corporation. The motion carried unanimously.

Commissioner Hall asked if the county has a residential requirement to be appointed to the boards and committees in the county. He added that someone told him several months ago that because they lived outside of the county they could not serve on a board. Commissioner Hall stated that he looked at the application and it does ask if the applicant is a resident but he did not think it was a requirement. Mr. Miller responded that he did not think this board has a residency requirement. He agreed that it is a question on the application and some of the boards do require residency for placement.

Commissioner S. Carter asked “Mr. Chairman I would just follow up with that and ask our clerk a question, is this particular committee fall under our normal set of committees? I wouldn’t think it would. For example she did not fill out a normal application on what we are discussing.” Commissioner Owen responded that this is not considered a local board. Commissioner S. Carter continued “Correct.

RECESS

The Board took a brief recess.

RESOLUTION ACKNOWLEDING THE RECEIPT OF OUTDATED, UNCIRCULTED, AND UNREPAIRABLE BOOKS BY THE CASWELL COUNTY FRIENDS OF THE LIBRARY FROM CASWELL COUNTY MEMORIAL PUBLIC LIBRARY

Mr. Miller stated that Ms. Rhonda Griffin the Library Director is here to go over the resolution. He added that Ms. Griffin and he worked on the putting this resolution together.

Ms. Griffin stated that when the library renovation was taking place a lot of books were boxed up and a lot of these books were outdated. She stated that for decades the distribution of this surplus property has always gone to the Friends of the Library which sold the books and used the proceeds to support library projects. Ms. Griffin stated that the resolution is just a form of the process and in the future this will be done beforehand and she added that she was not aware of this process.

Mr. Miller stated that the Board is not approving a resolution but making an acknowledgement of what has occurred as well giving staff direction to follow the statute regardless of the type of county property is being disposed of.

Ms. Griffin stated that all libraries use a formula to get rid of outdated books called the CRAP test (currency, relevancy, accuracy, and purpose) and books that have not been circulated for over 7 years are pulled from the library’s collection. She added that $100 went to the Friends of the Library for these books.

Commissioner Hall asked why this is being done. Mr. Miller responded that the process has been followed for 20+ years of the library donating books to the Friends of the Library and the Friends selling the books but what has been found is there is a statute that deals with the disposition of library books. He added that the county has just been going through a guideline that has been used for years without going through the steps. Mr. Miller asked the Board to acknowledge that this process has been occurring for many years, that the Board knows what the process is, the Board knew what happened and the Board is basically saying with the resolution that the Board understands what has been the process in the past but from here on out the required process will be followed.

Commissioner S. Carter moved, seconded by Commissioner Hall to approve the resolution acknowledging the receipt of outdated, uncirculated, and unrepairable books by the Caswell County Friends of the Library from Caswell County Gunn Memorial Public Library.

Commissioner S. Carter stated “Thank y’all for what you do.” Ms. Griffin responded thank you.

Upon a vote of the motion, the motion carried unanimously.

Ms. Griffin thanks the Friends for everything they do for the library.

**RESOLUTION ACKNOWLEDGING THE RECEIPT OF OUTDATED, UNCIRCULATED, AND UNREPAIRABLE BOOKS BY THE CASWELL COUNTY FRIENDS OF THE LIBRARY FROM CASWELL COUNTY GUNN MEMORIAL PUBLIC LIBRARY**

**WHEREAS,** NCGS§ 160A-280 allows Counties to donate to another governmental unit within the United States, a sister city, or a nonprofit organization incorporated by (i) the United States, (ii) the District of Columbia, or (iii) one of the United States, any personal property, including supplies, materials, and equipment, that the governing board deems to be surplus, obsolete, or unused; and

**WHEREAS,** the Caswell County Friends of the Library have served for more than 25 years and continue to serve as a nonprofit that supports the programing, material needs, and construction of the only public library in Caswell County, NC; and

**WHEREAS,** on or about July 1st, 2018 Caswell County Gunn Memorial Public Library completed a six month weeding process of their collection by using accepted weeding principles outlined by the American Library Association and included in the Gunn Memorial Public Library weeding policy; and

**WHEREAS,** the weeding process produced a multitude of outdated, uncirculated and unrepairable books that were deemed to surplus, obsolete, or unused; and

**WHEREAS,** the Gunn Memorial Public Library was entering into a construction and renovation project which required the removal of all books and shelving from the existing library facility;

**WHEREAS,** the Caswell County Friends of the Library agreed to take possession of the books saving Caswell County $2,737 in storage and delivery fees; and

**WHEREAS,** after taking possession of the discarded books, the Caswell County Friends of the Library sold the unrepairable and uncirculated books as a lot for $100 to McKay Books NC LLC; and

**WHEREAS,** The Caswell County Friends of the Library has contributed over $5,000 to the County Library within the past 36 months and have planned expenditures exceeding $9,400 in the current fiscal year; and

**WHEREAS,** future disposition will be proceeded by a resolution authorizing the donation of surplus, obsolete, or unused materials pursuant to 160A-280; and

**NOW, THEREFORE,** be it resolved, that the Caswell County Board of Commissioners acknowledges the donation of surplus, obsolete, or unused materials that were uncirculated, and unrepairable by the Caswell County Gunn Memorial Library and the significant contribution of the Caswell County Friends of the Library to programming, capital needs, and materials:

**NOW, THEREFORE,** be it further resolved, that the Caswell County Board of Commissioners directs county staff to follow procedures outlined in NCGS§ 160A-280 or other relevant provision of law prior to disposing of surplus, obsolete, or unused Library materials in the future.

This the 21st day of October, 2019.

S/Rick McVey \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ S/Jeremiah Jefferies \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Rick McVey, Chairman Jeremiah Jefferies, Vice Chairman

S/Sterling Carter\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ S/William E. Carter\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Sterling Carter, Commissioner William E. Carter, Commissioner

S/Nathaniel Hall\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ S/David J. Owen\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Nathaniel Hall, Commissioner David J. Owen, Commissioner

S/Steve Oestreicher\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Steve Oestreicher, Commissioner

Attest:

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

Paula P. Seamster

Clerk to the Board

PUBLIC RECORDS POLICY AND EMPLOYEE PROTOCOL

Mr. Miller stated that the policy in front of the Board is the same policy that was presented at the last meeting. He added that the Board has indicted that it needed more time to look over the policy.

Commissioner Hall stated that he has several comments that he wants to make and one or two suggestions to this policy. He stated on page 1 Item 3 ‘There is no expectation of privacy when using a county computer for any reason.’ Commissioner Hall stated that he agrees with this but later in the policy it talks about reasons and rationales for deleting stuff and this is the point that he does not agree with. He added that 4. says ‘The content of the information determines whether it is a public records.’ Commissioner Halls stated that he does not necessarily agree with this because if it is done with a public resource that there should be no expectations of it being anything other than a public record but then this would need to be discussed in the section where it talks about deleting stuff. Commissioner S. Carter added “I would like some clarity or some understanding of the language as well.” Mr. Miller responded that he thinks Commissioner Hall is right in the fact that there is no expectation of privacy however the Board passed a Records Disposition policy on March of 2019 on the consent agenda and basically it talked about the retention schedules that the county has to follow and after a certain period of time most documents the county deals with on a daily basis become irrelevant and the passage of this policy by the Board gives staff the authority to delete those emails. Commissioner Hall stated that he did not disagree with the records retention schedule but on page 5 Item 5. It talks about self-filtering ‘Employees are encouraged to self-filter emails in order to remove emails that are not related to County business prior to IT downloading a request.’ Mr. Miller responded that this is a policy decision for the Board but he could delete this out of the policy if the Board wants him to. Commissioner Hall stated that there should not be any emails that do not relate to county business and he added that if employees are allowed to self-filter who would know what is being deleted from the system.

Commissioner Oestreicher asked how to categorize emails that he gets from Red Roof Inn or an acknowledgement of a reservation. Commissioner Hall responded that there is a general statute that refers to reservations but junk mail is where he puts some of the other emails that he receives. Commissioner Oestreicher stated that he did not want to keep these kinds of emails. He added that he can’t receive any more emails because he cannot delete the emails that he has now. Mr. Miller responded that there are provisions that allow for these emails to be deleted. He added that the county needs to come up with a system or a data base for archiving these emails so he will have the IT director to look into this. Commissioner Oestreicher asked how many email from a county employee not be county business. Mr. Miller responded that there have been several times that he has received an email from a county employee stating they have to have surgery on a certain day and this would be a public record until this point in time has occurred but if a public records request was made for this email some of the information should be redacted from this email. Commissioner Oestreicher stated that this is addressed in the policy.

Mr. Ferrell stated that an example of self-filtering would be if a teacher were to send an email to a county employee because they could not get in touch with them in any other way and this would not be a public record.

Commissioner Owen stated that in the last section of this Self-Filtering where it says ‘Deliberately deleting any email, file, folder, or document prior to its term value expiration is in violation of this policy and may result in disciplinary actions up to and including termination.’ is included in the policy in another location if this item is deleted. Mr. Ferrell responded that he was not aware of that statement being anywhere else in the policy. Commissioner Owen stated that he thought this statement needed to be included in this policy. He added that if an employee decides to do self-filtering they need to know that they just can’t delete whatever they want.

Commissioner Oestreicher asked about altering emails after they have been sent out. He added that this can be done someone can go back and change an email after it has been sent. Commissioner Oestreicher asked if this would fall under this section. Mr. Ferrell responded that the County has a Fraud, Waste and Abuse policy and intentionally altering a public document would be covered under a separate policy. Mr. Miller stated that the policy can state deleting or altering any email file folder or document prior to its term of record violates this policy. Mr. Ferrell responded that this can be done to cover this concern to read ‘Deliberately deleting or altering any email, file, folder, or document prior to its term value expiration is in violation of this policy…’

Commissioner Hall stated that it would be reasonable to him to leave the first sentence in Self-Filtering ‘Employees are encouraged to self-filter’ and then where it says ‘The employee is responsible to know the disposition of records for each document’ and then the last comment that was just made and he would be good with the section.

Mr. Miller stated that he wanted to make a comment that he does agree with Commissioner Hall that if self-filtering is going to be done it needs to happen on a daily basis and not wait until a public records request is made. Commissioner Hall responded that he has 3 email accounts and he is constantly deleting emails because his system will not take all of these emails so he did not want to be unreasonable.

Commissioner Oestreicher asked if ‘prior to IT downloading a request’ should be deleted because he did not know what purpose this served. Commissioner Hall responded that this is what he was suggesting before. Mr. Miller stated that this could be taken out of the policy.

Chairman McVey asked if the Board wanted to wait on a rewrite before voting on the policy. Mr. Miller responded that the Board can vote on the policy as amended and if so the policy can be included in the next Board packet as information so the Board can view the changes. Chairman McVey stated that he wanted the Board to be satisfied either way. Commissioner Hall stated that he had some other comments.

Commissioner Hall asked for a definition for Meta data. Mr. Miller responded that Meta data is the electronic data that is associated with the email. He added that this shows the pathways the email traveled to get to that location that it ended up at and identify the server that was used to transport the email. Commissioner Hall stated that when this policy goes out to staff he asked that staff understands what Meta data means. Commissioner Hall went on to page 4 Short Term Value ‘These may be deleted or disposed almost immediately’ and he added that the first two items ‘Email messages not related to County business.’ and ‘Documents downloaded from the World Wide Web or by file transfer protocol not used in the transaction of County business.’ he does not like but he is good with that page.

Commissioner S. Carter stated “Page 5.”

Commissioner Hall asked Extraordinary Requests on page 5 as far as who has the authority to charge this on behalf of the county. He added that the Clerk is the Custodian and he wanted to know if this authority goes to the clerk or to the county manager. Commissioner Owen responded that he would assume it would be with whoever compiles the information out of the two but the county manager should set the rate. Mr. Miller stated that the policy is pretty clear throughout the entire policy that the clerk and the manager are expected to work together throughout the process to determine what is viable to send, what should be deleted and this decision on a rate could be made in conjunction with each other. Commissioner Hall stated that someone should be responsible and spelled out in the policy. He added that everyone reports to the county manager and that is why he would suggest this authority be given to the county manager. Commissioner Oestreicher and Chairman McVey agreed with this. Mr. Miller responded that he would add this in the Extraordinary Requests section.

Commissioner Hall stated that his last comment is on page 6 Payment of Required Fees ‘Payment of duplication and delivery fees must be made prior to the release of public records.’ and he continued that in the next section it talked about failure to collect required fees. He added that unless this is less than the $25 the county should not fail to collect if the money is required upfront. Commissioner S. Carter responded “I think that means if someone make a request for one and does not pay and then they make a second one they don’t get the second request until the first one is paid for. I think that is what it means.” Commissioner Hall stated that the policy says the fees will be collected in advance. He stated that he was finished with his comments.

Commissioner S. Carter moved, seconded by Commissioner Owen to approve the Public Records and Employee Protocol Policy as amended. The motion carried unanimously.

COUNTY MANAGER’S UPDATES

DSS Phone System

Mr. Miller informed the Board that he had spoken with the DSS Director earlier today and she is very pleased with the way the phone system is heading but the biggest deterrent is the intercom system. He added that he has received an estimate for a new intercom system in the amount of $3,698.89 and he is ready to move forward with having this installed if the Board approves this.

Commissioner Oestreicher asked if this was included in DSS’ existing budget. Mr. Miller responded that it is not currently included in the DSS budget but the county can install this system and operate and make it work within the DSS budget but at some time in the future DSS may come back before the Board for this money to be allocated. Commissioner Owen stated that this is what he would prefer to do.

Commissioner Owen stated that it bothers him that when the new phone system was installed that no one recognized that the wires were not sufficient to run the intercom system. Mr. Miller responded that he thinks what confused everyone was terminology. He added that DSS was saying paging system and the telephone system has a paging system but it does not work like DSS’ intercom system used to.

Commissioner Owen moved, seconded by Commissioner Jefferies to proceed with installing the intercom system with the money coming from the DSS budget.

Commissioner Hall stated that when the county is embarking on any project the departments, department heads and across the board should find out everything before implementing the project.

Upon a vote of the motion, the motion carried unanimously.

NC State Campus Entrepreneur Center

Mr. Miller stated that he is scheduling an outing to the North Carolina State Campus. He added that he has been invited to tour the Centennial Campus Entrepreneur Center and he invited the Board to attend. Mr. Miller stated that the dates available are October 25th at 10:30 or November 1st.

Commissioner S. Carter stated “I am fine with this Friday.”

Commissioner Jefferies, S. Carter, Oestreicher and McVey are available to attend on October 25th.

Mr. Miller stated that everyone should be ready to leave at 9:00.

Commissioner S. Carter asked “Will we be driving a van?” Mr. Miller responded that he would make arrangements for transportation.

Gasoline Report

Commissioner W. Carter stated that he had a question on the Gasoline Report. He asked if the 3,162 gallons for Maintenance should be for the Sheriff’s Department because the Sheriff’s Department only has 236 gallons listed. Mr. Miller responded that he thinks these numbers were transposed but he would check into it in the morning.

ANNOUNCEMENTS AND UPCOMING EVENTS

A. Caswell Candy Trail – Thursday, October 31, 2019 3:00 – 4:30 p.m.

B. Veterans Day Ceremony – Monday, November 11, 2019 - 11:00 a.m. – Civic Center

C. Joint Meeting with Caswell County Board of Commissioners, Town of Yanceyville

and Town of Milton – Wednesday, November 13, 2019 @ 6:00 p.m. – Thomas Day

Tavern, Milton

D. Caswell County Blood Drive -Thursday, November 14, 2019 - 10:00 a.m. – 2:00 p.m.

Senior Center

E. Employees Appreciation Luncheon – Wednesday, December 4, 2019 - 12:00 p.m. –

3:00 p.m. – Civic Center

Chairman McVey stated that Commissioner Oestreicher is conducting a Community Awareness Meeting on Broadband at the Cherry Grove Ruritan Building on October 28th at 7:00 p.m. He added that the politicians that Commissioner Oestreicher requested have gone back into session so they will not be able to attend this meeting. Commissioner Oestreicher added that the information will be given by the county manager and county planner.

Commissioner W. Carter stated that the NC State Fair will have a Senior Citizen’s day on Wednesday, October 23rd.

Commissioner Hall stated that the Board heard quite a bit of information tonight that has not be heard at previous meetings about Sunrock and suggested that at the next Board meeting or the following meeting that it include a discussion on zoning. He added that Commissioner Sterling Carter did a stronghold tonight on this topic. Chairman McVey suggested having this on an evening meeting. Commissioner Hall asked that general counsel be prepared at the next meeting without a lot of research to tell the Board what the county’s options are as it relates to Sunrock. Mr. Ferrell responded that he would be happy to do that. Commissioner S. Carter stated “I would like to remind the Board that the public hearing for that will be the night after the Board meeting so the Board’s meeting is before the public hearing so we may need that information before that day.”

Commissioner W. Carter asked the Board to do a resolution against the rock quarry to be presented to the mining meeting. Chairman McVey responded that before the Board does this he thinks the Board needs to hear from the attorney and everybody involved. Commissioner Owen stated that he believes a resolution could be prepared and then the Board can make that decision after hearing the information from the attorney. Mr. Ferrell stated that the mining permit is a state issued permit and not a permit that this Board authorizes. He added that a resolution opposing the location of the quarry would be a resolution that is sent to Raleigh to be considered in the state permitting process so this would not impact the zoning of this project.

Commissioner S. Carter stated “Need to realize zoning will not help at this point.” Mr. Ferrell responded that the two items are different. Commissioner S. Carter continued “November 4th is that meeting and it is almost like we will need a special meeting between the two meetings to receive information and then decide on the resolution.” Commissioner Owen responded that he assumed if a resolution was voted on tonight it would probably pass. Commissioner W. Carter stated that he thinks it would as well. Commissioner S. Carter stated “I agree.”

Commissioner Oestreicher stated that he thinks the Board needs to be more deliberative because of the Board’s stance in encouraging economic development. Commissioner S. Carter responded “We are against the placement.” Commissioner Oestreicher stated that the Board needs to be careful on how it is worded. Mr. Miller responded that a resolution in support of environmental conservation of the area, clean water standards, etc. instead of a resolution in opposition.

Commissioner Owen stated that the Board passed a Health in All Policies resolution and that is what is guiding him because he is looking at all the possible health issues. He added that this issue is more than just business.

Commissioner W. Carter stated that he is totally against the rock quarry because it will affect the groundwater and affect the quality of air.

Commissioner Oestreicher stated that he likes the idea of coming at this with a positive angle.

Commissioner S. Carter stated “I agree, some form of a resolution and either prospective is a good thing for this Board to pursue. I know we can’t vote on something tonight without having a written document so I would recommend that we have a committee with 2 or 3 commissioners to sit with staff and write a resolution to the wishes of the Board so when the information is presented to us and I think this needs to happen obviously before November 4th.”

Commissioner W. Carter stated that the resolution could include how it will affect the water and the air and he added that it can affect the underground water supply.

Commissioner Oestreicher stated that he told several members tonight that they have very strong emotional items but he has not seen any studies by this group that refute what Sunrock said so he encourage them to get hard data because that is what the mining permit is going to be based on.

Commissioner W. Carter stated that several years ago the Board brought up zoning in the county and it did not go over too well. He added that at the time he was not in favor of zoning but he is now in favor of zoning because this is the only way to have any kind of control in the county. Commissioner S. Carter responded “Zero voice on a key issue.” Commissioner W. Carter stated that this was seen in Leasburg and now in Prospect Hill and could be in Milton or Anderson next.

Commissioner S. Carter asked “So is it reasonable to have two or three of us to help write a resolution and have it ready for the future cause meeting.” Commissioner Owen responded that he did not mind helping.

Commissioner Jefferies stated that the county attorney could write a resolution. Commissioner S. Carter responded “Yeah we have to pay him to write it so I was suggesting that we could write it.” Chairman McVey stated that this would be fine with him to have several commissioners to get with staff to prepare this resolution.

Commissioner Hall stated that the Chairman could appoint someone to do this. Chairman McVey appointed Commissioner Owen and Commissioner S. Carter to work with staff on this resolution. Commissioner Oestreicher stated that he was confident that these two can handle this.

CLOSED SESSION

Commissioner W. Carter moved, seconded by Commissioner Hall to go into Closed Session to consider the compensation, terms of appointment and performance of an individual public officer (NGS 143-318.11(a)(6)) and to prevent the disclosure of information that is privileged or confidential (NCGS 143-318.11(a)(1)). The motion carried unanimously.

REGULAR SESSION

Commissioner W. Carter moved, seconded by Commissioner Owen to resume the regular meeting. The motion carried unanimously.

ADJOURNMENT

At 11:00 p.m. Commissioner Owen moved, seconded by Commissioner Oestreicher to adjourn. The motion carried unanimously.

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Paula P. Seamster Rick McVey

Clerk to the Board Chairman

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