MINUTES – JUNE 15, 2020

The Caswell County Board of Commissioners met in regular session at 9:00 a.m. on Monday, June 15, 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 HEARING – PROPOSED BUDGET FOR FY 2020-2021

Commissioner Owen moved, seconded by Commissioner S. Carter to enter a public hearing to hear comments about the Proposed Budget for FY 2020-2021. The motion carried unanimously.

Commissioner S. Carter stated “Mr. Chairman, are we continuing to do roll call voting or are we…” Chairman McVey responded “Yes sir, we will continue to do roll call voting.” Commissioner S. Carter continued “Alright.”

The clerk stated that no public comments were received for the public hearing but the public hearing will remain open to receive public comments for 24 hours.

Chairman McVey asked the clerk if there was a need for a motion to close the public hearing. The clerk responded that she was unsure how this would be handled and asked for advice from the county attorney. Mr. Ferrell asked when the next Board meeting would be. The clerk responded that the next Board meeting would be July 6th. Mr. Ferrell asked if the Board will meet again for budget purposed before July 6th. The clerk responded that there is a budget meeting at 1:00 today and then the Board will have to schedule the next budget meeting. Mr. Ferrell asked what the next Board meeting would be within the next 24 hours. The clerk responded that another budget meeting will be scheduled this afternoon. Mr. Ferrell suggested that the Board in its motion today reflect that the Public Hearing will be held open for the purpose of receiving written comments for a period of 24 hours; the written comments can be delivered to the clerk until 9:30 a.m. on Tuesday, June 15, 2020, and the hearing will be closed at that time. The clerk thanked Mr. Ferrell.

Chairman McVey stated that the public hearing will be held open until Tuesday, June 16, 2020 at 9:30 a.m. and then it will be closed.

Commissioner Owen moved, seconded by Chairman McVey to close the public hearing on the Proposed Budget for FY 2020-2021 at 9:30 a.m. Tuesday, June 16, 2020. After a roll call vote the motion carried unanimously. (Commissioners S. Carter, W. Carter, Hall, Jefferies, McVey, Oestreicher, and Owen voted in favor.)

PUBLIC COMMENTS

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

“Dr. Elin Claggett at 108 Jaye Lane, Providence, NC. On June 16, 2019, you voted for a 2.68 cent property tax increase, elevating our taxes to .735 which is higher than Alamance, Person, Rockingham and Guilford counties. A .037 Fire Service District tax was added 2 years ago. Another tax increase between 1.4 to 1.8 is anticipated next year to pay for construction at BYHS. Additionally, an increase from $59 to $70 in Solid Waste fees was proposed last week. I would like to summarize a few concerns noted during your last budget meeting:

1. Salaries, including raises, are deferred for closed session today. Why closed session during the budget process? Hopefully salary increases in administration and other depts. will be transparent.

1. Since Commissioners approved $620,000 capital outlay, why was this amount increased independently by the County Manger. That variance in costs could fund a second shift maintenance position. Was the $300,000 teachers’ supplement funded?
2. How does Building Inspection add 2 positions while $57,000 short of projected revenues (75% of $230,000); meanwhile Environmental Health inspectors can't get an office assistant yet have generated revenue to pay for this position for 3 consecutive years?
3. Why are the Library and Parks & Recreation paying $10,000 each for School Resource Officer under the guise of “professional services”. The Sheriff’s Office is 2 blocks away if needed.
4. The Sheriff’s Dept. added 5 cars to their fleet April, 2019. 12 additional patrol cars were requested 2019-2020. Are 9 more patrol cars really needed this year?

1. Why isn't the tax office up-to-date on software? How many years does this take and how much extra is paid to outsource this billing?
2. I have 2 questions in regard to COVID-19 Spending Plan as discussed June 1st which includes $160,000 allocated to Payroll Expenses. $67,500 in hazard incentive pay will be paid to EMS and Public Health employees.  Who will get paid the remaining $92,500? One EMS was designated to respond first to COVID 19 calls and the overtime portion to date was $40,000.  Will one EMS person be getting paid a bonus of “roughly” $40,000 from the COVID-19 or CARES Act?

Thank you for your time and consideration.”

“Scott Oakley, 1425 Baynes Road, Burlington, NC. Thank you for your efforts and the actions which are underway related to the moratorium and vested rights of polluting industries. Very much appreciated.”

RECOGNITIONS

Chairman McVey recognized the Health Department, Emergency Management, and 911 for being involved in the virus testing last week and he thanked these groups for working together to accomplish testing in the county.

ACTION ITEMS

APPROVAL OF AGENDA

Commissioner Owen moved, seconded by Commissioner S. 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 June 1, 2020 Regular Meeting

B. Approval of Minutes of June 1, 2020 Special Meeting

SPECIAL ASSESSMENT FOR ROAD IMPROVEMENTS TO SHADOW RIDGE ROAD

Mr. Miller stated “Special assessments are tools authorized for use by local governments to pay for public improvements that benefit that property. Special assessments are levied against property. Like user charges, and unlike property taxes, special assessments are levied in some proportion to the benefit received by the assessed property. A governing board defines an area within a unit that includes all properties that will directly benefit from a certain capital project; in this case it would be those properties adjacent to Shadow Ridge Road or some portion thereof. Counties may levy assessments to fund the following projects: water systems; sewage collection systems; beach erosion control; certain, limited street improvements; and street light maintenance (NCGS 153A-185). This method requires a unit to front the full costs of the project before imposing assessments. Thus, assessment revenue reimburses the government for some or all of the cost of the public improvement. Counties and cities must receive petitions signed by 75% of affected property owners before levying assessments to fund streets and sidewalk projects. A governing board must follow a detailed procedural process which includes at least two public hearings. The amount of each assessment must bear some relationship to the amount of benefit that accrues to the assessed property. Assessments may be paid in up to ten annual installments along with interest on the amount outstanding in any year. Commissioners what you have received today is a petition from the residents of Shadow Ridge Road to have a survey completed to have their property taken over by, the maintenance of the road taken over by NCDOT. This is a process that has been occurring for probably better than 2 years. They’ve worked really hard in getting the road up to DOT standards and they are at their last step, the last step that needs to be taken before DOT takes over the road. I’m happy to answer any questions that the Board may have.”

Commissioner Owen stated that he has been involved in this process for about 2 ½ years since receiving the first telephone call. He stated that after receiving this call he rode over and looked at the road and added that it was the best dirt road he had been on in a long time. Commissioner Owen stated that the residents on this road have had to go through a lot of hoop with DOT and they have spent a lot of money getting things done that DOT requested. He stated that a lot of money has been spent out of the homeowners’ association dues that the residence cannot afford this last step to where the DOT will take over this road. Commissioner Owen stated that he has been involved in this, supports it, but he also understood that this could open up a can of worms down the road. He stated that if the Board approves this a policy will need to be established to handle assessments. Commissioner Owen stated that there are 9 homes on this road which is less than a mile long. He added that if the road is paved people are more apt to buy and on paved roads than dirt roads. Commissioner Owen asked the Board to give full thought to this issue to help the citizens out.

Commissioner Hall asked what was involved in the last step on this and what was the approximate cost. Mr. Miller responded that the last step that needs to be taken by the homeowners is to have the properties surveyed and with these surveys DOT will know what it is taking the responsibility on. Commissioner Hall stated that this would be a survey of the roadway. Mr. Miller responded that currently the pins reside in the middle of the dirt road of the properties. He added that the cost will be $10,000 or less to have the survey completed.

Mr. Ferrell stated that there is a statute NCGS 153A-205 that allows the county to share or front the improvements to subdivision the residential street under certain circumstances as long as the Department of Transportation approved the project in advance. He stated that if the Board wanted to move forward the next step would be a preliminary resolution that would require a fairly detailed outline of the project, general description, statement for making the assessment, percentage of the costs that will be assessed, and then the terms of the repayment. Mr. Ferrell stated that this will be a multistep process in which the county manager with his help would prepare a resolution that would come back before the Board and then to follow a series of public hearings.

Commissioner Owen stated that the residents would pay the assessment back over a period of time that the Board chooses with interest of not more than 8%.

Commissioner Oestreicher asked if this would be for 15 homeowners. Commissioner Owen responded that there are 9 homeowners but 15 property owners. Chairman McVey added that all the property owners have signed the petition except for one which is deceased. Commissioner Oestreicher asked if the action needed here was for the county manager to draw up a resolution. Chairman McVey responded yes that is what is needed.

Commissioner Owen moved, seconded by Commissioner Oestreicher to have the county manager and county attorney to proceed with the resolution for the project. After a roll call vote, the motion carried unanimously. (Commissioners S. Carter, W. Carter, Hall, Jefferies, McVey, Oestreicher, and Owen voted in favor.)

CONTRACT TO AUDIT ACCOUNTS

Mr. Miller stated that the county generally enters into audit contracts on a 3 year term with an audit company however the Local Government Commission (LGC) requires a yearly audit contract be completed. He added that the contract contains a few minor modifications and he asked the Finance Director Gwen Vaughn to speak to the Board about the audit contract.

Ms. Vaughn stated that before the Board is the audit contract as required by the LGC. She stated that the contract is budgeted at $48,750 for the audit fee and $3,500 for the financial statement which totals $52,250 and the county budgeted $56,250 to allow leeway due to the changes that have been required by the LGC. Ms. Vaughn stated that the government auditor’s audit are required to implement changes this year in audit preparation based on the Governmental Auditing Standards and these changes were made to maintain auditor’s independence related to the year-end financial statement. She stated that units have been advised to contract with outside units to provide financial statements and engagement letter is required. Ms. Vaughn stated that along with the audit contract she requested from the Board to allow the county manager and herself to review an engagement letter of services for an outside consultant that has been recommended from the CPA list to assist counties. She stated that the LGC is stating that counties should have more responsibility.

Commissioner Oestreicher asked if there was a requirement that this be put out for bid since it is over $50,000. Ms. Vaughn responded that a request for proposal has already been done and this is the second of a three year contract. Commissioner Oestreicher stated okay.

Commissioner Hall stated that he was concerned because he has not been the reconciliation of the $57 million that was out of whack with the last audit. Ms. Vaughn apologized for not getting this information to Commissioner Hall. She stated that she did follow up on that and received all of the information from the auditors for that reconciliation and she would get it to Commissioner Hall. Commissioner Hall stated thank you.

Commissioner Hall stated that he could understand the LGC pushing back to require the independence of the CPAs which means pushing more responsibility on the county and there will be certain things that the county will be required to do and reconciliations will be one of those things. He stated that this may be the reason for a consultant. Ms. Vaughn responded that Commissioner Hall is correct with his statement and this does push more work back to finance. Commissioner Hall stated that this will fall back on the Tax Department as well.

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

APPOINTMENTS TO BOARDS AND COMMITTEES

Commissioner S. Carter stated “Mr. Chairman, I would like to interject before we proceed with appointments and ask a few questions if you don’t mind.” Chairman McVey responded “That will be fine.” Commissioner S. Carter continued “I’ve noticed on some of these, a handful of them, that you have a lot of current members and only a few applicants and I was going to ask Ms. Seamster were any of these incumbent members of these boards and committees contacted? I know we are in the middle of this COVID situation and I did not know if maybe there were not aware that these terms were up or maybe they have been contacted, just trying to figure out what our situation is with current members if they have been contacted or not.” Ms. Seamster responded “We always send a letter at least 4 to 6 weeks prior to the reappointments and that was done. I also contact some of the departments and told them that I had not received applications and they reached out to those applicants.” Commissioner S. Carter continued “Okay, I appreciate that. Also we’ve been dealing with two of these groups for a while, I don’t know for the Adult Advisory Council for example with as many vacancies as they have currently and have had for a while do they have a quorum to even meet?” Ms. Seamster responded “They are meeting. What that group is two different groups that meet but it is my understanding that they are meeting monthly and quarterly.” Commissioner S. Carte continued “Okay. And then the one that has caught my attention in the past is the Heritage and Cultural Preservation Committee, they have not been able to meet at all because they have not had members…how long has that been do you recall Ms. Seamster?” Ms. Seamster responded “It has been several years and I have reached out to the Chamber of Commerce, Arts Council, Historical Association and there is one more group and nothing has been sent in as of yet.” Commissioner S. Carter continued “Yeah and we looked up some past history with that group why it was created, what the goals of it were, commissioners I don’t see why the responsibilities of this committee did not fall back on our Board. With this group having not met in so long it’s virtually nonfunctional so if there is no serious objections to that one I’d like to add that to our next agenda to remove that group and we assume those responsibilities.” Commissioner Owen responded that he did not know that he wanted to do away with this group. He stated that there were discussions early that this was a committee that would not necessarily meet on a regular basis but a committee that would meet on an as needed basis when a request came before the County for some type of historical or cultural preservation monument, etc. Commissioner Owen stated that this group is a good buffer for the Board because this committee would look into all the aspects and make a recommendation to the Board. He stated that he did not think this was something that the Board needed to add to its responsibilities and added that the Board would have the final say. Commissioner Owen stated that he did not think this was a good time to dissolve this committee. Commissioner S. Carter stated “I agree with your perspective there I’m just looking at it from a realistic standpoint that if they don’t have members and something did arise they couldn’t meet on it to begin with. We’ve been in this situation for several years as Ms. Seamster said but I don’t see the point in having something that can’t meet but that’s all I got on that Mr. Chairman.”

Chairman McVey stated that the Board could revisit the Heritage and Cultural Preservation Committee at another time if needed.

Board of Health

Chairman McVey stated there were 3 vacancies and 1 application received, Carol Komondy.

Commissioner Owen moved, seconded by Commissioner S. Carter to appoint Carol Komondy to the Board of Health. After a roll call vote, the motion carried unanimously. (Commissioners S. Carter, W. Carter, Hall, Jefferies, McVey, Oestreicher, and Owen voted in favor.)

Caswell County Regional Economic Development Commission

Commissioner Oestreicher stated “Mr. Chairman point of order here, I’m wondering, there is going to be a lot of roll call voting here on this and I am wondering if we can waive and our attorney can tell us this, can we waive the roll call voting just for this and just do it by voice just for this particular aspect?” Mr. Ferrell responded “No you can’t but what you can do if you would like is group the appointments if it’s possible together, right, so you could do all of the appointments that you want to make in a single vote of a roll call vote.” Commissioner Oestreicher continued “That would be an improvement.” Chairman McVey stated “That will work for me if that is okay with the Board.”

Commissioner Oestreicher moved, seconded by Chairman McVey to make all the appointments to the boards and committees in one single motion and roll call vote.

Commissioner S. Carter stated “Mr. Chairman, sorry to but in, we cannot do this for the Farmer Lake Board, you have two vacancies and three applicants but I’m not against doing it for the rest of them.”

Commissioner Oestreicher stated “Call into question, asking for a vote.”

Commissioner Owen stated that he thought a decision on 2 of the 3 for the Farmer Lake Board would have to be decided before voting on all the committees and boards and he thought this was the point that Commissioner S. Carter was trying to make.

Commissioner S. Carter stated “Mr. Oestreicher if you could just exclude the Farmer Lake Board and proceed with your original motion and end it in that way that would work.” Commissioner Oestreicher responded “That is exactly what I thought we were doing.” Commissioner S. Carter continued “Okay.” Commissioner Owen stated “Oh, okay.”

Commissioner Oestreicher moved, seconded by Chairman McVey to vote on all the Boards and Committees in one roll call vote for the new proposed members except for the Farmer Lake Board. After a roll call vote, the motion carried unanimously.

Chairman McVey stated “The Caswell County Regional Economic Development we have one application Ms. Shirley Deal.” Commissioner S. Carter responded “I thought we had appointed everybody except for the Farmer Lake Board.” Chairman McVey stated “I thought we had to do that in a separate motion.” Mr. Ferrell responded “I am sorry Mr. Chairman if I made that more confusing, the motion was to approve all of the appointments except for the Farmer Lake Board so I believe the only appointment left on your agenda this morning is Farmer Lake.”

Caswell County Regional Economic Development

Ms. Shirley Deal was appointed to the Caswell County Regional Economic Development board.

Caswell County Adult Advisory Council

Ms. Kaye Cobb, Ms. Carolyn Aldridge and Ms. Sylvia Banks were appointed to the Caswell County Adult Advisory Council.

Gunn Memorial Library Advisory Board

Ms. Betsy Watlington was appointed to the Gunn Memorial Library Advisory Board.

Heritage and Cultural Preservation Committee

Ms. Donna Maskill was appointed to the Heritage and Cultural Preservation Committee.

Juvenile Crime Prevention Council

Ms. Sandy Woolard was appointed to the Juvenile Crime Prevention Council.

Person-Caswell Lake Authority

Mr. Barry Joyce was appointed to the Person-Caswell Lake Authority.

Farmer Lake Board

Commissioner S. Carter moved, seconded by Commissioner W. Carter to appoint Brandi Mathis and Donna Maskill to the Farmer Lake Board. After a roll call vote the motion carried by a vote of 5 to 2 with Commissioner Owen and McVey voting no. (Commissioners S. Carter, W. Carter, Hall, Jefferies, and Oestreicher voted in favor and Owen and McVey voted no.)

COVID-19 UPDATE

Mr. Miller asked Ms. Jennifer Eastwood, Public Health Director to give the Board an update on COVID-19.

Ms. Jennifer Eastwood stated that the case county is 104 and added that the numbers in North Carolina do not look good. She added that she knew that people were tired of restrictions, tired of talking about COVID-19, and people are becoming complacent. Ms. Eastwood stated that she is seeing a lot more mass gatherings and she thinks that these gatherings is where the increase in numbers is coming from. She asked everyone to practice the 3 W’s: wear a mask, wait 6 feet apart and wash your hands. Ms. Eastwood stated that as Chairman McVey stated earlier the Health Department held its first community testing in Milton and Milton was chosen due to the high number of cases in that area for the county. She stated that 64 members of the public were tested at the community test site. Ms. Eastwood stated that she really did not know what kind of turnout they would have since it was the first event for the county and she was excited to have 64 to be tested. She stated that other areas will have testing sites as well. Ms. Eastwood stated that partnership is a very important part of the Health Department’s mission and these events are only successful with the partnerships that are developed. Ms. Eastwood thanked God’s Blessing Center and Reverend Stephen Falden because he did not hesitate when she called him and asked if this event could be held. She added that a lot places when asked to hold these events quickly say no because they do not want exposure at their facilities but Reverend Falden did not hesitate. Ms. Eastwood thanked Emergency Management for being a part of the logistics team and added that Emergency Management has more resources than Public Health. She stated that Barry Lynch has the forethought to take one of EM’s trailers and turn it into a mobile testing unit and this also allowed for staff to use to get cool fresh air because Friday was a very hot day. Ms. Eastwood thanked some of the 911 staff as well as the local volunteer fire departments who came out to be on hand to help with traffic flow. She stated that it is taking about 48 hours to get results on the testing so the results should have started coming in last night as well as today. Ms. Eastwood stated that she fully expects he numbers to go up a little bit from the testing because the county does have people in the community that do have COVID and may not realize it because they may not have symptoms. She stated that her Health Department staff is working really hard and continues to work really hard and she added that they are very grateful and thankful for the incentive payment that they will receive.

Commissioner W. Carter asked Ms. Eastwood how many positive cases were in the county. Ms. Eastwood responded that there are 104 positives, 49 of those are offenders at the prison and the rest are community members.

Commissioner Hall asked what the thoughts were about Milton. Ms. Eastwood responded that Milton is a transient work force and when looking at the numbers most of the people were either exposed at work in healthcare and long term care facilities and then there were contacts with spouses, children, etc. She stated that there are a lot of long term care facilities that have outbreaks right now in surrounding counties and Caswell has a lot of people that work outside of the county.

Commissioner S. Carter stated “Mr. Chairman, two questions, one for Ms. Eastwood and one for Mr. Miller. Thank y’all for what you did with the testing site up there, glad it was a success. With asymptomatic patients Ms. Eastwood are we still under the same advisement for them to be isolated just as someone with active symptoms?” Ms. Eastwood responded “We are.” Commissioner S. Carter continued “And then for Mr. Miller where are we at with the public awareness campaign like many others throughout the county I’m concerned with our numbers and the increase in the state as well?” Mr. Miller responded “We are moving forward with our public awareness campaign. We shot a lot of video this past Friday to do the TV commercial and social media ads as well as the audio for a campaign with WYNC so we’re moving forward with that a lot of materials have been ordered for the campaign so you know now we will wait for the production company to get the footage back to us in commercial form and then we will move forward from there but we are kind of in a waiting pattern until we can get our footage back.” Commissioner S. Carter continued “Thank you.”

Commissioner Owen asked Ms. Eastwood how many of the 55 citizens were correctional officers that tested positive. Ms. Eastwood responded that she would have to check on this but she would say 5 off the top of her head. Commissioner Owen asked if one test was done. Ms. Eastwood responded that some companies require testing before they can come back to work. She added that the State of Virginia is requiring 2 negatives tests 24 hours apart. Commissioner Owen read that he saw where two tests were taking on one person and both of those tests were counted as positives. Ms. Eastwood responded that the Health Department is very careful with the case count and added that when someone is retested it is counted as an ongoing case and is counted in the first case. Commissioner Owen stated that the positives on the report for Caswell and the latest sheet his had was from June 5th, there is a column for released from isolation and he assumed these individuals showed no symptoms and there is 83% that either show no symptoms and were isolated for the 14 days and released or they had symptoms and have recovered so the 83% is positive. He stated that he was not saying that the COVID-19 is not serious but the county needs to look at the good things. Commissioner Owen stated that this is less than .3% of the population percentagewise.

Ms. Eastwood stated that the report only reflects what the Health Department and CFMC are given and people are being tested outside of the county and the county does not get a report on the negative tests and the health directors have been asking for the reports on the negatives because the health departments are only getting reports on the positives. She stated that the Health Department has been asked a lot of questions about the antibody test which would tell an individual if he or she has ever had the virus and she added that there are not any tests that have been approved by the FDA for that purpose yet but once it is available the Health Department will make it available to the public.

RECESS

The Board took a brief recess.

FARMER LAKE FISHING & BOAT LAUNCH FROM PERSONAL PROPERTY

Chairman McVey apologized to Commissioner Hall for stating the Farmer Lake Board was meeting in June but that board is meeting on July 9th.

Commissioner Hall proceeded with his original thoughts due to COVID-19, social distancing, and other recommendations that came out of the Governor’s office and that was that it would be good for the citizens to be able to fish from their private property and that canoes and kayaks will be allowed to be launched from private property. He added that he knew that there was some discussion about getting comments from the Farmer Lake board but at this point he was going to make a motion.

Commissioner Hall moved to allow fishing from private property and to allow canoe and kayak launching from private property on a temporary basis until December 31, 2020.

Mr. Ferrell stated that after the last meeting he had the opportunity to take a look at the County regulations regarding Farmer Lake and what he discovered is the County actually has a Farmer Lake and Recreational Facility Ordinance, Chapter 24 of the Code of Ordinances and the fishing restrictions and boat launch restrictions are in place by ordinance. He stated that if the County wants to amend the ordinance it can be done but this would need to follow the ordinance amendment process. Mr. Ferrell stated that if the Board wants to proceed he would be happy to prepare an ordinance amendment and bring back before the Board to consider.

Commissioner Owen stated that he did not have a problem with fishing but he would like to see fishing for property owners and their family only. He added that he was not sure about the boat launch and the kayaks because he was not sure if there was any liability in that. Commissioner Owen stated that he did not have a problem with allowing fishing from private property for a month or until the Farmer Lake board has an opportunity to meet. He stated that he was concerned about the boat launch due to liability if there is any especially on days that the lake is closed. Commissioner Hall responded that canoes and kayaks are already on the property owners’ property so obviously they are launching those already. He added that there are fishermen that have keys to the lake go they can go in anytime where the lake is open or closed.

Commissioner S. Carter stated “Mr. Chairman, obviously with things that have happened in the past on this subject I’m in favor of this. That lake was designed with the intentions of it being utilized and I think this is a great opportunity for the property owners that have lived there their whole life and Mr. Hall is very correct, they have been launching small watercrafts, un-motorized watercrafts, from their banks since the early 80s and I think we should give them the opportunity because right now we have an ordinance that we are not enforcing when it comes to that and that’s troublesome to me when it’s not a huge deal with what’s going on currently, what has happened in the past. I’ve never understood why they could not fish from their bank. When that lake started bank fishing was allowed and then it was rescinded and I can’t remember the year but I would be happy to work with Commissioner Hall on a proposal for our next meeting to look at those slight amendments to the ordinance and consult with Brian Ferrell a bit on that and proceed from there if everyone is okay with that and everybody can vote the way they choose to vote.” Commissioner Owen responded that the classification of the lake needs to also be looked at to make sure this is allowed from the State and if not this would be an issue the county would have to take up with DEQ or whoever issues those classifications. Commissioner S. Carter continued “These slight amendments I do believe they are allowable as they were in the past when the lake had that same classification but we can look into all of that again.”

Commissioner Oestreicher agreed with Commissioner Owen’s comment that this should be restricted to only property owners and their immediate family. He added that he was conflicted on the canoes and kayaks launching and the liability issues unless this can be added into the ordinance that any liability is waived or the appropriate legal term.

Commissioner Hall asked what the difference was from going in the front gate and launching from the banks with a kayak. Commissioner W. Carter responded that kayaks are only supposed to be launched from the public access area. Commissioner Hall stated that there is no difference in the liability. Commissioner Oestreicher responded that he thought launching from the bank is different from launching from the boat ramp as far as safety and the ability to slip and fall. Commissioner Hall stated that canoes and kayaks are not launched from the ramp; they are launched from the edge of the water. Commissioner Oestreicher responded that he still has a concern. Commissioner Hall stated that based on what the general counsel has recommended and based upon Commissioner Sterling Carter’s willingness to work with him and general counsel on this and if this is okay with the Board they will proceed with general counsel to do an ordinance amendment. Commissioner Oestreicher responded that he was okay with this.

Commissioner W. Carter asked how many homeowners were located on the lake. Commissioner Hall responded that he did not know.

Chairman McVey stated that he would like to hear from the Farmer Lake Board and he asked when the next Board meeting would be. Commissioner S. Carter responded “It would be before their meeting.” Chairman McVey suggested getting with the Farmer Lake Board to see if they would meet before the next Board meeting and then have a representative from the Farmer Lake Board to be present at the next Board meeting. He asked if this was agreeable to the Board.

Commissioner S. Carter stated “Mr. Chairman, alternatively I would recommend that they just continue to meet on their current schedule for the 9th and then the second meeting in July we would have time to know what their opinion is on this matter and if the Board is okay with us proceeding with doing some research on this before that point we would then at that point consider a possible amendment at the second meeting in July. Without doing some research on these very valid points that were brought up we will be in the same position as we are now the second meeting in July so that is why I am saying I’d be willing to work with Commissioner Hall and Brian Ferrell to do some preliminary work on it so that we will be prepared if the opportunity arose we could propose one.”

Chairman McVey asked if the Board was okay to allow Commissioners Carter and Hall to do some research and by the second meeting have it on the agenda for action and to have the Farmer Lake Board Chairman at the second meeting in July. Commissioner Oestreicher responded that he would like it said to the Farmer Lake Board Chairman that this is an expectation that this is discussed and to bring their discussion conclusions to the second meeting in July. Commissioner Hall stated that he was good with this but he just hoped that the Farmer Lake Board would come forward with more than their opinions, he wanted to hear facts. Chairman McVey stated that he understood.

Commissioner W. Carter stated that due to the classification of the lake the Division of Water Quality does not allow any swimming or skiing due to it being a water supply. Commissioner Hall responded that he was not proposing any skiing or swimming. Commissioner W. Carter stated that he was fine with this being on the agenda the second meeting in July.

Chairman McVey asked if all the commissioners agreed with this suggestion. The Board responded yes.

DISCUSSION ON MILTON POST OFFICE

Commissioner S. Carter stated “As you all are aware Milton has been without its post office downtown since almost a year ago. I find it interesting to reflect that they’ve had a post office in that town for over 200 years and what some may suggest is menial, you know, with their change with going to Semora to get their mail is an essential service that has been provided to its citizens for a long time and that I feel they should continue to enjoy. There has been all kinds of mystery clouded over the issue of what happened at their previous location and there seems to be more than one version of the story and there seems to be miscommunication or something to that affect from the United States Postal Service as to how we are proceeding moving forward. We very patiently waited until March of this year to have a public meeting hosted by the Postal Service and basically their suggestion was to have a modular put on Broad Street in downtown Milton and although the citizens were very desperate at that point to have anything, it doesn’t suit the needs of the town and we have felt that it’s just another tactic for them to brush aside the issue at hand and to give us a temporary minimal solution but I was shocked to hear that the modular was going to be a permanent solution. I didn’t realize up until the last month or so how those post office buildings work and that the property owners lease it to the Postal Service and they are responsible for building it and all of that and the cost associated so in spite of all of what has been going on there are willing property owners. Some with lots available for a construction to occur and also there are property owners with structures available and there has been minimal communication on that subject and it seems like it is not being prioritized. I know the postal service has had a lot of issues just within the last year and they are financially in a hard position and they have a lot of deal with but I feel as representatives of the citizens of our county we should do all we can to advocate for the needs and get to the Postal Service that this is an essential service that our citizens benefit from on a daily basis. So I had a casual conversation following the Milton Town Council meeting last week with the mayor and vice mayor and was trying to get more information on this issue and we kind of came to the conclusion that it would be a good idea for our two boards to work together a little bit more closely and we thought of ways to approach it and we thought maybe it would be a good idea for our two boards to write and sign joint letters to our U.S. Senator or U.S. Congressmen currently and possibly our upcoming congressman so that he is aware of the issue as well as the post master general for the United States and put a little bit of positive pressure on the authorities at hand so that they can focus on what is going on in Milton. I feel like we have been thoroughly mistreated on this issue because basically communication has been in the form of emails here and there and a few brief phone calls so I wanted to bring that suggestion to you all. The town commissioners of Milton thought it was a great idea and they are willing to help prepare language with the full story explained that we can all present to them, mail to them. I hope we get some kind of resolution in the pipeline soon because we are almost at the year mark and I frankly just think it’s way too long for our citizens to have that service interrupted. I know they’ve been getting mail at Semora but that’s been an interesting situation and I have talked to a couple of citizens about it and they just keep getting brushed aside so I am bringing that to you as a recommendation.”

Chairman McVey asked if there were any comments.

Commissioner Hall stated that he thought this was a good idea. He added that he has observed over the last 2 or 3 years that the service of the postal service here in Caswell County has gotten worse and worse. Commissioner Hall stated that the Board needed to look at a holistic approach such as the impact of the economics of the county as far as what the post offices are doing and what they are not doing and the impacts on the specific communities. He added that both Boards could let them know collectively that the service is needed in Milton but they also need to be made aware collectively that service is needed in the whole county. Commissioner Hall stated that if someone goes to the Yanceyville Post Office to mail a letter that letter is sent to Greensboro to be sorted and then it is brought back to Yanceyville and that causes a loss of 3 or 4 days because sorting is not done in Yanceyville anymore. He stated that the postal service is really bad but no service at all is worse so he suggested work together to get this resolved.

Commissioner W. Carter asked Commissioner S. Carter what was wrong with the building that used to house the post office in Milton. He asked if it is infected with snakes or what. Commissioner S. Carter responded “That is the story. I understand from some that it was a few snakes and others there was an infestation but neither here nor there they have totally abandoned that location; that is no longer an option at all to consider. There are for sale signs on the windows and post office boxes have been removed. They will not consider that, that has been the communication that they have told to the Town of Milton. My whole point and I agree with Commissioner Hall’s comments there but I do think we need to handle these separately at this point. I am not opposed to bringing more concerns to them with the other situation, the other holistic situation but I just find it very hard to believe that we can’t get some cooperation between a property owner and the United State Postal Service so that they can have this service restored to their town.”

Chairman McVey asked if there were any more comments.

Commissioner S. Carter stated “Mr. Chairman if there’s no major objections to this idea is there another commissioner willing to help draft some language for the letters and we could have this brought back at our next meeting to make sure everybody is able to sign it.” Chairman McVey responded “I have no problem with you doing that.”

Commissioner Owen stated that since this was Milton his thought would be for the Milton Town Council and Commissioner S. Carter put the letter together and bring back to the Board. Commissioner S. Carter responded “Mayor Patricia Williams and Town Commissioner Valerie Sottile, they have offered to help and I didn’t know if there was another commissioner that would like to help on this as well but I will be happy to proceed with it alone; it’s fine and dandy.”

Chairman McVey stated “That would be my suggestion, get with them and proceed with it and get it back to Bryan for him to take a look at it. Commissioner S. Carter responded “Thank y’all so much.” Chairman McVey continued “Thank you sir.”

COUNTY MANAGER’S UPDATES

Economic Development

Mr. Miller stated “The Dan River Region Entrepreneur Ecosystem was awarded a $50,000 grant to help local businesses in Caswell County, Pittsylvania and the City of Danville who have experienced losses during the COVID-19 pandemic. This funding is being made possible with support from the Community Foundation of the Dan River Region and the Danville Regional Foundation. So if you know of small businesses, independent contractors, or entrepreneurs that have been affected by COVID-19 we would ask that they please submit an application for this funding as soon as possible. I will reiterate this is a grant process and not a small business loan. So if you do have questions or want to speak to someone regarding the application process you can contact Cori Lindsay, Caswell Economic Development at 336-514-0427. Applications are being accepted now so please apply quickly, the funding is limited. I think it is limited to only 20 recipients so I emailed this information to the clerk and asked that it be posted on the website so I would imagine it would be posted on the Economic Development page complete with links that you can follow to get to the application as well as Ms. Lindsay’s email address. Are there any questions regarding the grant fund?”

Department of Air Quality (DAQ)

Mr. Miller informed the Board and those in attendance that on June 29, 2020 there will be a digital public hearing presented by the Department of North Carolina Air Quality and because of limited internet accessibility in the county the County is opening up Gunn Memorial Public Library at 6:00 p.m. on June 29th as a virtual spot for residents to come and make public comments to DAQ during this process. He reiterated that if someone wants to speak at the public hearing registration is required no later than 4:00 p.m. on June 29th to be able to be heard. Mr. Miller stated that no one will be able to just show up and expect to speak unless registration has already taken place.

Moratorium

Mr. Miller asked the county attorney to give a legal update on the moratorium.

Mr. Ferrell stated “Mr. Chairman, members of the Board, the general update is that as you know this Board enacted a development moratorium on polluting industries in January of this year and that moratorium runs for a year and is still in effect. There are two pending projects by developer Sunrock for a rock quarry and an asphalt plant in the county that are possibly impacted by the moratorium. You’ve heard from the developer that they do not believe that their projects are subject to the County’s moratorium and that developer has also asserted that the County’s Environmental Protection Ordinance is inapplicable in certain respects to those projects for various reasons. The developer applicants’ arguments raise a number of important and complicated legal questions. As a result the County has engaged Attorney Tom Terrell with the Fox Rothschild Law Firm in Greensboro as special counsel to assist the County in navigating the legal questions associated with Sunrock’s developments in Caswell County. I’ll take just a minute to give you an update on where special counsel is with the project evaluation. As I stated Sunrock has asserted certain legal arguments pertaining to the applicability of the moratorium and the County’s Environmental Impact Ordinance. There are a number of neighbors and project opponents, if you will, who have a different view of the legal consequences of the ordinance, the Environmental Protection Ordinance and also the moratorium. Counsel Terrell has provided correspondence from the developer to the neighbors and other project opponents and asked them to respond by July 1, 2020 in writing to the specific legal claims or arguments of Sunrock for the purposes of gathering all of the necessary information and arguments of the various constituents involved in the project in an effort to advise the County on special counsel’s view and to help inform my view as to the legality of the moratorium as applied to Sunrock’s projects and the County’s Environmental Protection Ordinance. So again, there is a deadline of July 1 for some responses to be filed in relation to Sunrock’s existing claim and that’s where we are. I did want to take a minute just to talk briefly about Attorney Terrell who is engaged in this process. Mr. Terrell has perhaps the most extensive appellate land use legal background in the state of North Carolina. He has represented developers, property owners, neighbors, local governments all across North Carolina and Virginia relating to zoning and permitting questions. He covers all facets and sides of potential projects at some point in his background and he’s well positioned to help the County analyze the important legal issues at stake in the pending developments. So I don’t want to get into any legal analysis in this update at this point other than to tell you that’s the update and the process and we look forward to the information to come from the folks involved in the project. I’ll also say that Attorney Terrell has asked Sunrock to forbear filing any claims or actions against the County for a period of 60 days while we engage in this process. To date the information is that Sunrock has agreed to do that, they did not have to do that, they had agreed thus far to participate in the project as outlined by Mr. Terrell and so we appreciate everyone’s involvement to participate in this manner. So with that I don’t want to take any, again detailed questions regarding any particular legal issues but general questions I am happy to answer.”

 COMMISSIONER COMMENTS

Commissioner Jefferies stated that three or four years ago he was approached by a citizen and then a couple of citizens concerning the confederate statute on the Square and he thought this Board needed to have some serious discussions about the statute as to what if anything the Board should do. He requested that this item be put on the next agenda. Chairman McVey asked the county manager to put this on the next agenda.

Commissioner W. Carter stated that he noticed that the State has mowed the shoulders of the highway.

Commissioner Oestreicher stated that he had a question for the county manager and county planner. He stated that a committee met and had a discussion about the Table of Uses and there was a request for some proposals and some work on a document that could be used for the zoning presentations. Commissioner Oestreicher asked for an update on where this stood. Mr. Miller responded that the county planner is moving forward with the research that needed to be done to complete the Table of Uses. He stated that he has asked the Tax Department to print a very large map of the county to narrow down the individual parcels so certain areas could be designated as certain types. Mr. Miller stated that the county planner is doing exactly what was asked to be done during the meeting and he thought the committee had decided to meet sometime in the middle of July and this information should be ready by that time. Commissioner Oestreicher thanked the county manager and stated that he was glad to hear this.

Commissioner S. Carter asked “Mr. Chairman, on that note where are we at with having community meetings for zoning?” Mr. Miller responded “We still haven’t had any community meetings. We are still limited to 10 or under people inside in one space so as you know many of the meetings have brought more than 10 people so it’s still not really realistic to have community meetings. I have asked our IT director to look at posting a video on our website but it was not supportive, he couldn’t do that. I believe he is looking at additional ways we can achieve that but we can’t just post video footage to our website so we are still working on it but right now the governor’s restrictions prohibit us from really having community meetings.” Commissioner S. Carter continued “Mr. Chairman and fellow commissioners I just want to remind you that the moratorium ends in January, it is June currently. We have been doing very good work via Zoom for example right now. There are 10 of us and 17 watching us. I feel like we are not going to get best case scenario out of this but we are limited to time and I feel that we need to proceed with community meetings via Zoom and advertise the heck out of them and give people the opportunity to participate that way or else we are going to run out of time and will be very liable for not following through with the process.” Chairman McVey responded “Thank you sir.” Commissioner S. Carter asked “So is there any way that anyone agrees with me that we can proceed that way?” Mr. Miller stated “Commissioners, you know, I am happy to hear what the rest of the Board thinks but I’m certainly not opposed and I don’t think our county planner either would be opposed to setting up a Zoom meeting, you know, presenting the zoning information through a Zoom meeting. We are happy to do that. My only concern is there is a number of residents that without internet access will still not be able to attend so I think the regular meetings will still be needed but we are happy to set up a Zoom meeting to do that in the interim.” Commissioner S. Carter continued “I agree with it, I just think we are going to regret not doing something very soon or else our time is going to run out.”

Commissioner Oestreicher asked “Mr. Chairman on the Zoom meeting is there a way, I’m pretty sure there is, to do a poll during the meeting? In other words poll the participants?” Commissioner S. Carter responded “”Yes there is the Raise the Hand feature.” Commissioner Oestreicher continued “Yeah and I think if we utilize that and have a countywide general meeting again I think it would be productive. I do recognize that internet connectivity is an issue, a problem, perhaps we could prevail upon the Library to make a few slots open. We could publicize where some hot spots or some areas where people could at least park there and utilize their smartphones and things like that as part of the advertising but I think something would be far better than nothing at this point and to just let them know that we are still look at this and we are still pursuing it.”

Chairman McVey asked “Are there any more comments? If not I will ask the county manager to look into this and see if we can move forward.” Mr. Miller responded “I will, I will let the Board know real quickly that the legislation that we submitted regarding having zoning added to the ballot as a referendum has passed the House and awaits confirmation from the Senate so we are moving forward with that.

ANNOUNCEMENTS AND UPCOMING EVENTS

A. Caswell County Blood Drive – Wednesday, July 15, 2020 – 9:30 a.m. –

 2:30 p.m. – Senior Center (Red Bus)

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

CLOSED SESSION

Commissioner Owen moved, seconded by Chairman McVey to go into closed session to consider the compensation, terms of appointment and performance of an individual public officer (NCGS 143-318.11(a)(6)). After a roll call vote, the motion carried unanimously. (Commissioners S. Carter, W. Carter, Hall, Jefferies, McVey, Oestreicher, and Owen voted in favor.)

REGULAR SESSION

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

ADJOURNMENT

At 11:25 a.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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