MINUTES – DECEMBER 16, 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, December 16, 2019. Members present: Rick McVey, Chairman, David Owen, Vice Chairman, Sterling Carter, William E. Carter, Nathaniel Hall, Jeremiah Jefferies and Steve Oestreicher. 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

Chairman McVey amended the agenda to move Item 9 Closed Session to Item 5.

Commissioner S. Carter moved, seconded by Commissioner Jefferies 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 December 2, 2019 Regular Meeting

CLOSED SESSION

Chairman McVey moved, seconded by Chairman Hall to go into Closed Session to preserve attorney/client privilege (NCGS 143-318.11(a)(3)). The motion carried unanimously.

REGULAR SESSION

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

PUBLIC COMMENTS

Chairman McVey opened the floor to Public Comments.

Mr. John Claggett came before the Board and made the following statement:

“My name is John Claggett and I reside at 108 Jaye Lane, Providence, NC. I thank you for the opportunity to publicly address comments made by two commissioners at your last meeting. I would encourage all those speaking this evening to please speak into the mic. First, the only social media page that I have any control over is my personal Facebook page. If you have heard that I’m associated with any other site, to include the Caswell County Political Forum Facebook page, this is a lie. For those on this Board that don’t understand, it is not uncommon for information to be transferred from one Facebook page to another by other parties. So, Commissioners the motives belong to the person making the accusation. Second, no column written by The Watchdog, or any letter to the editor has ever needed a retraction because all information is well researched and documentation is available, generally through public records. Third, Commissioner Owen has made the comment “Public record does not prove anything” and also mentioned there was “no proof” 5 times in his short monologue that referenced a recent article. Public records from the Caswell County Register of Deeds and Tax Office, which he now has a copy of, do provide proof of transactions as well as proof of a 40% reduction off the appraised value of personal property. I doubt Mr. Miller appreciates any continued discussion at this point and is quite capable of advocating for himself. However, proof of transaction is not the same as proof of motive. Thus, these real estate transactions by the same seller may have been disclosed during your closed sessions. No one knows the whole story to every situation, to include the Board of Equalization and Review and everyone in this room. Fourth, because Commissioner Owen either was uninformed or just disagreed, he concluded the article must be an attack and actually said “…I do not believe that this Board should allow those types of publications to be placed in our governmental offices.” This is a call to censorship of the Caswell Connection. The Caswell Connection is free to the public, provides free Caswell County public service announcements and has no charge for obituary and other notices. The editor has done more for economic development and promotion of small business in Caswell than the off budget, quarter million dollar building on the Square, which has been empty for a year. Finally, presenting documented facts about business transactions allows readers to be the judge. Remember if this public statement is posted to social media there’s no telling where it may end up.”

Ms. Elin Claggett came before the Board and made the following statement:

“Good evening, my name is Dr. Elin Claggett, 108 Jaye Lane, Providence, NC, I would like this recorded verbatim please. On December 2nd, you established a Board of Trustees for Abandoned Cemeteries. Commissioner McVey summarized “…but I’m not going to spend any of the taxpayers’ money to do this. Put that in your motion…Per no county dollars spent on transportation or anything else.” The motion passed. This 16 minutes of conscience about the spending was in stark contrast to the 7 minutes that followed in which an additional $153,000 of taxpayer money was spent. Previously, the Bartlett Yancey High School architect stated they had planned for 32 temporary classrooms. Commissioner McVey thought it was 24, but both concurred that it was not to exceed a cost of $880,000. With phasing in of hallways during the construction, classrooms needs were reduced to 16 units. This should have decreased costs by at least 33% or down to $587,000 which represents a $300,000 savings to the taxpayers. However, on July 25th, the Board of Education had discussed their new plans of building temporary classrooms which would later be converted to a permanent Field House. Donna Hudson laid out their sales pitch, stating she agreed that the commissioners were against athletics being included in the design and recommended they “…emphasize that this was an idea that came up at the last moment to assist in the cost of renting mobile units.” Please recall, a Field House was not on the election ballots. On August 19th, the Board of Commissioners reviewed the proposed changes with Mr. Miller saying the architect and engineer have indicated that the cost of this project would not exceed the budgeted amount of $880,000. This maximum price tag was reiterated multiple times during your extensive discussion. The architect stated classrooms could be bid with reduced square footage or deduct offerings to keep those costs down. No extra contingency fund spending was ever mentioned. The motion to include the Field House passed with a vote of 6 to 1. Sadly, Commissioner Hall’s no vote, due to a prediction of cost overruns, did not take long to manifest. Bids for the Temporary Classrooms and Field House were received on November 20th, with the contract going to Quality Construction for $1,033,000. Since Commissioner Owen’s son-in-law will profit from this deal, he recused himself from the vote. In your bid packet, the line item entitled Deduct Alternate No. 1 for $55,000 was completely ignored. I ask you, could this have saved taxpayers $55,000? To summarize, reduction from 32 to 16 temporary classrooms should have decreased costs to less than $587,000. Instead, this initial phase has now expanded to include a permanent Field House with a price tag of over a million dollars; additional costs may be added with change orders. The project has not even broken ground. These costs were preventable and predictable. Is this what taxpayers can continue to expect as we continue to move forward through this entire project? Our tax bills have already increased. Will this excessive and unnecessary spending, coupled with increased taxes, become part of your re-election campaigns? If you don’t like your decisions made public, make different decisions. Thank you. Merry Christmas.”

Ms. Virginia Pietsch, Oaklawn Road, Winston-Salem, stated that in her opinion the most concerning problems in mining besides water, air and health is noise pollution. She asked that the mining company inform the citizens before any blasting dates including testing and this could perhaps be set up on a website. Ms. Pietsch stated in her opinion there is too little unbiased monitoring therefore there is very little consequences for injury or damage because the burden of proof is on the victims. She stated that she would like to thank everyone who has and plans to speak up and take action to protect no only people but all living things in Caswell County.

Mr. Bruce Florence, 1305 Baynes Road, Burlington, NC asked the Board why it would want a rock quarry and an asphalt plant in Caswell County. He added that these plants are not being put in the town of Yanceyville. Mr. Florence stated that his 5th granddaddy came to Caswell in 1776. He added that he has a 25 year old son that wants to live here and he wants him to live here but he wants him to have clean air. Mr. Florence stated that bringing this industry to the county is not fair to anybody and added that he found out about this on Facebook. He asked if there was something already written up that prevents this type of industry from coming to Caswell County. Mr. Florence stated that a lot of his family’s items are in the museum across the road and if the Board allows this it has just slapped his 5th granddaddy across the face.

Mr. Jared Terrell, 1586 Rascoe Dameron Road, Burlington, stated that he found out about this industry coming into Caswell County late but they have organized and rallied on Facebook and informed out friends and neighbors. He added that the community is against ruining the air and well water. Mr. Terrell stated that the county needed to look after its water quality and wildlife and added that Caswell is an agriculturally based economy and this will mess this up. He stated that he is supportive of zoning. Mr. Terrell stated that the moratorium will give the county to research this issue and how to prevent it in the future.

Mr. Mark Zimmerman came before the Board and made the following statement:

“Good evening Commissioners, thank you for the opportunity to speak tonight. My name is Mark Zimmerman and I live at 732 Solomon Road in Leasburg. I have a few comments to make about context. Tonight you will be discussing a moratorium. I think that’s a good idea that is broadly supported by the public. We should tap the brake and pause for a bit to have the opportunity to assess what Caswell County citizens may want to do to preserve their way of life. But a moratorium is a means to an end, not the end itself. During the moratorium, we will need to determine what land use regulations would be acceptable to part or all of the county, if any are. That means we will need to address private property owners’ rights. That’s what I want to focus on with you tonight. While I am here tonight speaking as a private citizen, I am fortunate to work for the largest organization in North Carolina defending private property owners’ rights. I say fortunate, because I feel strongly about the importance of these rights. They are rights after all, enshrined in our Constitution. They are also the bedrock right on which the rest of the Bill of Rights are able to survive. Finally, they provide the foundation of our free enterprise system, which has created more prosperity for more people than any other time in human history. Suffice it to say, I am proud to spend each and every day working to strengthen these rights. Immersed as I am in the world of private property owners’ rights, one of the misnomers we deal with is private property owners have the absolute right to do anything they want with their property. That was true when kings owned all the land, but it has not been the case since the right of private citizens to own and use land was protected in the Magna Carta 800 years ago. Whenever you have two or more private property owners, the rights of any of them cannot unreasonably supersede the rights of their neighbors. Everyone, after all, has these God given rights. In a community, the best way to describe private property owners’ rights is the right to the quiet enjoyment of their property. They should be able to use their property as they see fit until they impede someone else from using their property the way they see fit. When private property owners’ rights conflict, we have to find common ground. One way we ensure all private property owners can best enjoy their property is through land use regulation. Zoning is one form of that. Properly done, zoning or other regulations should impose the minimum restrictions on use, but do enough to prevent one party from despoiling the rights of another party. Zoning can be bad if it is excessive, but very good if it helps everyone enjoy their private property rights. It is only a tool, not something that is bad, per se. Where that line is drawn isn’t always easy to find. That’s why we form democratic government to help us agree on the rules. It takes a community discussion to come to consensus. That’s why we need a moratorium, to give us, and you, time to have that discussion. Preserving our way of life and being able to use our property in ways that help us in our pursuit of happiness, those should be our goals. I ask you to support a moratorium and then a dialogue to allow Caswell County to determine its own future in the shape and manner that we want, instead of being at risk to others who may not share our values or goals. Thank you.”

Mr. Harrison Gates, 122 W. Main Street, Durham stated “Good evening Chairman McVey, Vice Chairman Jefferies and members of the Board of County Commissioners, my name is Harrison Gates and I am an attorney with the Morning Star Law Group in Durham. It’s 112 W. Main Street, Durham. Earlier today you heard from my colleague Nil Ghosh on behalf of the Sunrock group and I am here to renew Mr. Ghosh’s comments this evening. Just to let you know the Sunrock group is in the process of actively developing 3 sites here in Caswell County. We recognize that these projects, these developments by Sunrock has sparked quite a bit of discussion regarding a moratoria and zoning and we have heard some of that discussion tonight. We want to make a number of statements regarding Sunrock’s position on this. First, under North Carolina law moratoria are ineffective against projects with vested rights like Sunrock’s current projects in Caswell County therefore we want to be clear that regardless of whether a moratoria is enacted today or at any point in the future Sunrock is going to continue moving forward with these 3 projects here in Caswell County. This is an important point because any decision today does not affect Sunrock’s current interests rather a decision this evening will affect future asphalt plants, concrete plants, and rock quarries here in Caswell County. We would also like to point out for the record; this is not the first time this discussion regarding a moratorium has occurred. In 2002 when the first moratoria for this industry was enacted the county drafted an environmental ordinance related to this in which Sunrock must comply with today. In the 17 years since that first moratoria was enacted in 2002 this county has not been inundated with asphalt or concrete plants or rock quarries so it is not the case that lack of zoning here in Caswell County has put a target on this county’s back or attracted massive amounts of this industry here. If there was some reason in 2002 to keep this industry viable which it seems that there was in the county we need to ask what exactly has changed today. If there are new concerns today those concerns need to be addressed through an ordinance but trying to prevent projects like this one moratorium at a time is not a viable option so to be clear tonight even to the extent that you vote on a moratoria tonight you are not voting on Sunrock, Sunrock is going to proceed with these projects and instead you are considering the future of Caswell County. This county either wants to enact zoning or it does not and that is what you are voting on so thank you for your time.”

Chairman McVey asked if anyone else would like to speak during public comments.

Mr. Steven Nicholson, 131 Stainback Road, stated that he lived outside this area and moved here for the purity and nice opportunities. He added that he came from a very large city in Texas and lived approximately 1 mile from an asphalt plant and it was an embarrassment to the citizens because there was a smell that came from the plant and the residents had to make excuses for the smell. Mr. Nicholson stated that years later he went to work for the city that he lived in and he got to see things that gave him a new perspective and he found out that the smell was coming from the plant that had decided to emit more pollutants that they were allowed to. He added that he is one mile north of where this plant is going to be and added that he is sure that Sunrock will make promises on how they will keep everything clean but no one knows what will happen in the future. Mr. Nicholson stated the he knew that Duke did not plan on their ponds leaking and Wal-Mart promising everything would be made in America and that economics will be the contributing factor in the future. He stated that he knew the Board was in a conundrum in the fact that the county needs economic development but it also needs to satisfy the constituents. Mr. Nicholson stated that he thinks Sunrock is trying to intimidate Caswell County with the idea that they are moving forward with their projects so they are already saying they are not going to be good neighbors. He asked the Board to pursue whatever avenue it can because he does not believe there was due process in this situation because the first he heard about this was Sunday morning.

Dr. Martinelli, 2235 Gunn Poole Road, stated that it is an honor and a privilege to appear before the Board. He stated that if the residents will begin a community action with prayer, pledge and community unity the county will successful stand together and stop Carolina Sunrock’s plans to pollute and destroy Caswell County’s land. Dr. Martinelli stated that this morning he was sadly amused by a spokesperson for Carolina Sunrock who foolishly wove a few facts into a big lie and expected the residents to believe his erroneous explanation but what got his blood boiling was Carolina Sunrock's deafen acts of any regard for serious health problems. He added that the last thing the representative said before he ran out of the building was a threat from his boss and he asked if this was a company that the county wanted to work with. Dr. Martinelli made the following suggestions: implement the 1 year moratorium/ban and expand it to 3 years, use the time to adapt, study and implement zoning laws that will effectively serve the health, wellbeing, and quality of life in the county, not allow these industries to pollute the neighborhoods, steal the land’s value and concluded that he did not want Carolina Sunrock in Caswell County, no quarry, no asphalt plant, no concrete plant.

With no further comments Chairman McVey closed public comments.

RECOGNITIONS

Commissioner S. Carter stated “I just want to wish everyone a Merry Christmas.”

Commissioner Owen recognized the committee and volunteers to put together the Christmas Trail of Lights and added that the event was very well attended.

APPROVAL OF BOARD OF ELECTIONS VOTING EQUIPMENT

Mr. Robert Webb, Elections Director, stated that the Board should have a breakdown of each piece for the voting equipment in its packet. He added that the testing phase required by the State Board of Elections went well with no issues with the software or hardware. Mr. Webb stated that he and the Board of Elections are here tonight to get the final approval from the Board to continue the process to acquire the voting equipment. He added that there have been some changes with the contract by the State Board of Elections and the changes were received on Saturday. Mr. Webb stated that this equipment has to be purchased by December 31st in order to get a 30% discount which includes a signed contract and payment in full.

Commissioner W. Carter asked Mr. Webb for the total cost of the voting equipment. Mr. Webb responded $161,789.

Mr. Ferrell stated that he took a look at the agreement that was included in the agenda and he has several suggestions for revisions and he understands the State has approved a new version of the agreement that came out on Saturday that he has not seen. He added that he has a copy now and is trying to run through his suggested changes with the new version to try to match them up which is a little difficult. Mr. Ferrell stated that he understands there is a pricing deadline for a discount if the county gets this done by December 31st. He stated that he reviewed Brunswick County’s agreement and would like to make some of the same changes they made to their agreement and one of those is when the equipment is shipped it is the responsibility of the purchaser and Brunswick County has it being the responsibility of the equipment provider. Mr. Ferrell stated that his recommendation moving forward due to the deadline is that the Board approves the agreement subject to his review and end up with the State approved contract with no changes or with the revisions that Brunswick County got approved. Mr. Webb responded that he spoke with Sarah Knotts, Elections Director for Brunswick County, and asked for a copy of their contract and Ms. Knotts responded that Brunswick County may have to use the State’s version of the contract. Mr. Ferrell stated so Brunswick County may have to revert to the less favorable terms and there may be no opportunity to deviate from the State form but if there is room for negotiation he asked that the county may want to consider asking.

Commissioner Oestreicher asked Mr. Ferrell if he were to make the changes that he recommends on the contract, sign it, and return the contract would this meet the deadline. Mr. Ferrell responded that the contract would have to be accepted. He added that it is reasonable to contact the vendor and offer the suggestions and get feedback. Commissioner Oestreicher stated that he was recommending that the county play hardball with the vendor. Mr. Ferrell responded that he did not want to put the Elections Board and the good work that they have done on the line.

Mr. Webb stated that in the email from Katlyn Love, State Board of Elections general counsel, she stated that if a contract that a county is seeking to sign is different from the State’s version the State will need to be provided a copy so they would be able to review the changes to make sure it is compliant with the certification program and North Carolina law. Mr. Ferrell responded that he wanted the same terms that Brunswick County received and he added that this could be done in the morning. He added that he would be happy to work with the Elections Director on this.

Commissioner S. Carter moved, seconded by Commissioner Owen to approve the Hart contract subject to the county attorney’s approval.

Commissioner Oestreicher asked for more information on the attorney’s approval since he heard the attorney was going to make the same changes as Brunswick County. Mr. Ferrell responded that this is going to be his proposal to try to get these changes accepted and his final approval would revert to the State form if the State does not accept his changes. Commissioner S. Carter added “In order to take advantage of the cost savings.” Commissioner Oestreicher stated that he wanted it to be clear that the county wanted to go after the same terms as Brunswick County. Mr. Ferrell responded that this is what he will do and that is his intent.

Commissioner Hall asked if the State was paying for the voting machines. Mr. Ferrell responded certainly not. Commissioner Hall stated that he wanted the record to show that the county received an email from someone on December 14th that a decision has to be made and paid for by December 31st and he has a problem with this because the State is not paying for this. He added that the county is not being given time to do its due diligence. Commissioner Hall stated that the Board is discussing compromises before discussing the contract and he wanted to go on the record to say this and maybe someone will pass this along to the State Board of Elections.

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

DISCUSSION ON HISTORIC PRESERVATION COMMISSION

Commissioner S. Carter stated “Mr. Chairman, we discussed a possible Historic Preservation ordinance about a year and a half ago roughly maybe even closer to two years. We had an initial presentation by Amber Kidd from the State Historic Preservation Office and we discussed the bare minimum as far as details go on what this board would do and how to proceed forward and just to recap you very briefly, this Board would have to pass a Historic Preservation Ordinance, draft and pass that in order to take advantage of the benefits of creating the Historic Preservation Commission. My hope is that at our retreat in January we might could just decide on getting a more thorough presentation scheduled for this Board’s consideration in the coming months so that we could have more details to what was already presented to us and maybe start taking some steps forward. I can say personally I see this as an opportunity for economic development. We have many historic properties in this county, many in my lifetime, in my short lifetime, I’ve seen go into disrepair when this could be a very useful tool and a vehicle for us to pursue preservation and restoration efforts of these buildings which are a great part of who we are as a county as far as our past goes and it connects to an economic development for tourism in the county and there have been several groups that have tried to pursue those goals and with the TDA up and coming of being formed finally we can hopefully work in conjunction with a commission to pursue those goals together so that’s my recommendation at this point is that we at our planning meeting in January discuss a scheduled date for someone from the State Historic Preservation Office to come back and present that idea to us once more. If anyone has any questions I can hopefully try to answer them now but if not we can discuss all of that then.”

Commissioner Owen stated that for the Board’s information there is a 106 page document that can be pulled up from the State Historic Preservation Commission that explains in detail every aspect of that commission. He added that it is a long read but it is very informative. Commissioner S. Carter responded “I think we still have a paper copy of that in the building if anyone wants another copy of it. Thank you.”

DISCUSSION ON PUBLIC HEARING TO PLACE A MORATORIUM ON THE CONSTRUCTION AND ERECTION OF ASPHALT, CONCRETE, AND ROCK QUARRY FACILITIES

Commissioner Owen stated that the Board has learned from the county attorney that the Board can place a moratorium on the construction and erection of asphalt, concrete and rock quarry facilities for one year is what he would propose because he thinks it would give the Board ample time to get busy and get a zoning plan in place for the entire county or for portions of the county. Mr. Ferrell responded that the steps in the moratorium is to hold a public hearing and the next step is for the Board to consider adopting an ordinance enacting a temporary development moratorium so the next step for the Board is the consideration or an ordinance. Commissioner Owen stated that this is what he meant to start working on the ordinance.

Commissioner Oestreicher proposed that the Board direct the county attorney to develop and ordinance to address as many comments as the Board has heard with guidance from the Board. he added that thoughts have been put on paper already and those can be shared with the county attorney and direct him to develop an ordinance that addresses the existing statutes and legislative decisions that have already made to develop a legally sound ordinance.

Commissioner S. Carter stated “I would like to make a comment Mr. Chairman, I agree with that course of action there. I wanted to thank Commissioner Oestreicher for helping me kind to come together with some language on a moratorium. We do want to put that with our attorney to make sure that it’s finalized and done correctly and that all the legal aspects of it are in there included but this is for again to reiterate asphalt plants, concrete plants, and rock quarries generally speaking moving forward. For the county I think it’s the best course of action and I think we have heard overwhelmingly support for the moratorium and for pursuing zoning in Caswell County and I look forward to those discussions in the coming months and agree that we should go ahead and direct the county attorney to work out the details of the moratorium and hopefully have this ready for us at our first meeting in January. Is that reasonable?” Mr. Ferrell responded that this was reasonable but he would need some more directions from the Board this evening if this is the timeline to address the statutory requirements. He stated that if the Board wanted to vote to proceed he would be able to ask some questions and get some feedback from the Board so he would be able to do the draft ordinance by the next meeting. Commissioner S. Carter asked “Should we walk through what may be in this current draft to answer some of your points for directives?” Mr. Ferrell responded that the Board could proceed however it wants but he could read from statutes the elements that have to be included in the ordinance. He added that he had heard the timing of 12 months but he needs a clear statement with the problems in the need of having a moratorium, courses of action for the moratorium and why these courses were not deemed adequate, expressed date of termination and he added that he has heard a year and why this duration is reasonably necessary, and most importantly a clear statement of the actions and the schedule for those actions proposed to be taken by the county during the duration of the moratorium. Mr. Ferrell stated that he has heard that the Board may want to implement zoning in part or all of the county but he needs that plan or what the plans are the for the next 12 months during the moratorium so it can be put in the ordinance. Commissioner S. Carter continued “I guess my question is, does he just want this turned in or do we need to read off these points now and have them set?”

Commissioner W. Carter stated that he would like to see an enhanced moratorium that would include zoning. Mr. Ferrell responded that if the Board wanted to broaden of the moratorium the Board would need to hold another public hearing. Commissioner W. Carter asked if this could be done after the first of January. Mr. Ferrell stated that from what he understands the Board’s plan for a temporary development moratorium would apply to the uses identified in the public hearing notice but the implementation plan can include other things. He added that the temporary pause only will affect the uses listed but if the plan is to adopt zoning broader to include regulations of these uses that is fine and there will not be any need for another public hearing. Commissioner W. Carter stated that he is in favor of economic development as long as it is the right kind of economic development but he is not interested in any polluting industries coming to Caswell County.

Commissioner S. Carter stated “Back to my original point, we need to determine some steps forward now. Are we pursuing this with the original notice of rock quarries, asphalt plants, and concrete plants or are we going to have to hold a separate public hearing to include all polluting industries? I think we need to decide that first so we can direct our attorney accordingly.”

Commissioner Oestreicher stated that what the county attorney has informed the Board is there has been one public hearing on the topic as published which was to place a moratorium on the construction and erection of asphalt, concrete and rock quarry facilities. He added that the Board may as part of the ordinance include other industries such a polluting industries as defined however to include any polluting industries that may wish to file permits or to come to the county there would need to be another public hearing soon to amend or expand the moratorium that enforces that ordinance. Commissioner Oestreicher asked the county attorney if his statement is correct. Mr. Ferrell responded yes. Commissioner Oestreicher asked Commissioner S. Carter if he needed to repeat his comment. Commissioner S. Carter responded “I am with you wholeheartedly, I was just saying let’s as a Board decide which of those choices we are going to pursue.” Commissioner Oestreicher stated that it his understanding that both can be done. Mr. Ferrell stated that the Board can proceed with the drafting of the ordinance for a temporary development moratorium for those uses listed in the notice of public hearing but if the Board wants to expand the moratoria for other uses another public hearing needs to be held. Commissioner Oestreicher stated that in order to have a moratorium an ordinance has to be written first. Mr. Ferrell responded that this is correct and added that the only way in North Carolina that the county is authorized to implement a temporary development moratorium is by ordinance. Commissioner Oestreicher stated that this ordinance can expand the scope beyond the initial public hearing. Mr. Ferrell responded that the moratorium will be limited to those uses listed in the public hearing notice but the implementation plan can say the Board is also going to consider regulation of other polluting industries. He added that the temporary moratorium would only apply to those uses listed in the public hearing notice. Commissioner Oestreicher stated that the Board can proceed with adopting an ordinance for this moratorium and then if the Board wishes it could hold another public hearing to include polluting industries and the ordinance would deal with the implementation plan for these polluting industries. Mr. Ferrell responded that he thought the Board could do it this way.

Commissioner S. Carter stated “So we will proceed with, at first, rock quarries, asphalt plants, concrete plants but include in the language regulation of other… Commissioner Oestreicher responded “In the ordinance.” Commissioner S. Carter continued “Right. We are determining what we are telling him to put into the ordinance.” Commissioner Oestreicher responded “Right.” Commissioner S. Carter asked “Do we need to list what we come up with as far as the purposed so that you are clear and so we all agree.” Mr. Ferrell responded that if the Board wants to have this conversation now before voting on the ordinance it is fine. He stated that he needed to know what the Board is going to do during the pause, the 12 month period. Commissioner S. Carter continued “So I will read what we came up with.” Commissioner Oestreicher responded “My read is that we’ve got probably 80% of what he needs. What appears to be missing is what alternatives of what we’ve tried is not sufficient, what we’ve worked on. My other concern is the other commissioners have not had a chance to read, study, and understand what we prepared.” Commissioner S. Carter started “That is why I am suggesting that we possibly go through it.”

Commissioner W. Carter stated that during this 12 month period the Board can work on zoning because this is a goal that the Board needs to work towards. Mr. Ferrell responded that if it is the intent of the Board is to use this 12 month period to enact zoning regulations countywide he could work with the planning director to work on a zoning implementation schedule. He added that the Board has seen a schedule from the planning director at one of the previous meetings. Mr. Ferrell stated that if the Board wants to approve a moratorium to implement zoning regulations he could put together a schedule based on what is required to implement a zoning ordinance in a 12 months period and this could be included in the ordinance.

Commissioner Oestreicher stated that his only concern is his has not heard from 5 other commissioners. Commissioner Owen stated that he thinks the Board needs to move ahead with the moratoria as noticed and he did not mind adding that it may expand at a later date after a public hearing. He added that one thing that has been discussed is working on zoning in the county.

Commissioner W. Carter stated that he wanted to make sure the public understands what the Board is talking about, that the moratorium will be for the asphalt, concrete and rock quarries facilities and then come back later on with an enhanced plan and hold another public hearing to stop all polluting industries from coming into the county.

Commissioner S. Carter asked “Back to this document, are we just turning this into the attorney to consider the details?” Mr. Ferrell responded that any work that has been done or any information that would be helpful would be great to craft an ordinance.

Commissioner Oestreicher moved, seconded by Commissioner W. Carter to instruct the county attorney to proceed with the preparation of an ordinance to achieve a moratorium as described in the Board’s public hearing. The motion carried unanimously.

RECESS

The Board took a brief recess.

APPOINTMENTS TO BOARDS AND COMMITTEES

Agricultural Advisory Committee

Commissioner Owen moved, seconded by Commissioner W. Carter to appoint Ms. Emily Buchanan to the Agricultural Advisory Committee. The motion carried unanimously.

Caswell County Hunting and Wildlife Advisory Committee

Commissioner W. Carter moved, seconded by Commissioner Owen to appoint Mr. Frank Rose, Jr. to the Caswell County Hunting and Wildlife Advisory Committee. The motion carried unanimously.

Farmer Lake Board

Commissioner Owen moved, seconded by Commissioner W. Carter to appoint Mr. Steve Eaton to the Farmer Lake Board. The motion carried unanimously.

Gunn Memorial Public Library Advisory Board

Commissioner Owen moved, seconded by Commissioner W. Carter to appoint Ms. Cynthia Claiborne to the Gunn Memorial Public Library Advisory Board. The motion carried unanimously.

Tourism Development Authority

Commissioner S. Carter moved, seconded by Commissioner Oestreicher to appoint Ms. Joyce Garrett, Ms. Karen Oestreicher, and Ms. Mindy Stinner to the Tourism Development Authority representing the tourism organizations.

Commissioner S. Carter moved, seconded by Commissioner Oestreicher to appoint Mr. Imtiaz Ammed and Ms. Rebecca Page to the Tourism Development Authority representing the occupancy tax collectors.

Commissioner S. Carter stated “Mr. Chairman I just wanted to add that we thank the members of the boards that have given their service previously and thank wholeheartedly thank those who have submitted applications and I would just like to put it out there that we continue to encourage citizens to actively participate in boards and committees since we still have several vacancies so this is an opportunity for citizens to contribute to the future of Caswell County and I hope that there are individuals out there that can help spread the word to individuals in their communities they may know that are willing to serve on these boards.”

Commissioner Hall stated that he serves as the Commissioner on the Economic Development Commission and he asked missed quite a few meetings so he thinks as a new year begins he suggested having another commissioner to serve on this commission.

Chairman McVey stated that he had volunteered to fill in for Commissioner Hall until he is able to serve again. He asked the Board if it had any comments or if any other commissioner would like to serve in this capacity.

Commissioner S. Carter stated “I am willing to do it if that suits everybody.”

Commissioner Owen stated that he would not mind serving.

Chairman McVey stated that he had said that he would serve on this commission.

Commissioner W. Carter moved, seconded by Commissioner Owen to appoint Chairman McVey to the Economic Development Commission to replace Commissioner Hall. The motion carried unanimously.

Commissioner S. Carter asked “Mr. Chairman I wanted to ask for information sake, I know Mr. Owen you are on the NCACC steering committee for general government…” Commissioner Owen responded “General government and Health & Human Services.” Commissioner S. Carter continued “And Mr. Hall you are on one of those or two of those?” Commissioner Hall responded “Yes I will be chairing the general government.” Commissioner S. Carter continued “But not serving on any. I was just going to add that Matt Bigelow with the NCACC got with me and I am going to be put on Education and Agriculture so I think that will balance us out pretty well but I was trying to make sure which ones y’all were on too. Those meetings are in January.”

Commissioner Hall stated that Commissioner Carter and Commissioner Owen had had discussions with the NCACC but they had not received a response back about these various committees so he talked to the president about this and the president asked him to convey to all Board members that if a commissioner would like to serve on any of these committees to get the schedule, come to the meeting, and sign up the day of the meeting for that committee. Commissioner Owen stated that these are generally quarterly meetings.

COUNTY MANAGER’S UPDATES

Mr. Miller stated that he did not have any updates but he wanted to wish everyone Happy Holidays. He stated that he would be glad to answer any questions the Board may have.

Commissioner W. Carter commented again on the Building Inspections monthly report for November. He stated that the fees collected are almost double in 2019 from 2018 again. Mr. Miller responded that he would check on this report again. Commissioner W. Carter stated that it was checked on before and everything was good.

Commissioner S. Carter asked “I was going to ask, are we privied to know for the sake of an update on the Co Square?” Mr. Miller responded the county issued a notice to proceed on November 25th so this starts the contractor’s clock to finish the project. Commissioner S. Carter continued “Do we have a timeline for that project?” Mr. Miller responded that the general timeline is 5 months.

Commissioner Hall stated the Medicaid expansion has been suspended indefinitely. He added that with the thought of this expansion both advisory boards were eliminated. Commissioner Hall stated that he mentioned to the county manager today and it is something that the citizens need to be reminded of and that is if a resident is in a low line area they need to get flood insurance because it is available in Caswell County and the county manager will give us a better report on this. He added that Piedmont Electric has contracted with River Street to provide internet service to its residents but the residents needs to go online and sign up for this. Commissioner Hall stated that there is something called Cadillac tax that has been repealed by the House and it is waiting to be repealed in the Senate. He asked the county manager and county attorney to research this. Commissioner Hall stated that from what he understands that if this tax is repealed the county will be subject to up to 40% tax on health benefits so it is really going to hurt counties. He heard this tax is repealed as of 2022. Commissioner Hall stated that one of the items that was discussed at the quarterly board meeting was cyber-attacks in county governments and he added that the county needs to do all it can do to provide itself from cyber-attacks.

Commissioner W. Carter stated that URW Federal Credit Union is coming to Yanceyville and will open in January.

Commissioner Oestreicher stated that during the information session at the Cherry Grove Ruritan River Street spoke and there is a video available on the local county Facebook page. He added that Open Broadband LLC has a similar sign up for wireless Wi-Fi.

ANNOUNCEMENTS AND UPCOMING EVENTS

A. Board of Commissioners Work Session – Tuesday, January 7, 2020 at 9:00 a.m.

911 Center.

Chairman McVey asked that the Commissioners get their items sent into Ms. Seamster so that an agenda can be put together.

ADJOURNMENT

At 8:55 p.m. Commissioner Owen moved, seconded by Commissioner Jefferies to adjourn. The motion carried unanimously.

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Paula P. Seamster Rick McVey

Clerk to the Board Chairman

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