MINUTES – FEBRUARY 17, 2020

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, February 17, 2020. Members present: Rick McVey, Chairman, Sterling Carter, William E. Carter, Nathaniel Hall, Jeremiah Jefferies and Steve Oestreicher. Absent: David Owen. 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 audience recited the Pledge of Allegiance.

PUBLIC COMMENTS

Chairman McVey stated asked the public to limit their comments to 3 minutes since there is a large amount of people signed up to speak. Chairman McVey opened the floor to Public Comments.

Ms. Anita Foust, 2501 Hughes Mill Road, Burlington, stated that she would like for the Board to take into account the Environmental Impact Ordinance regarding an industry that is trying to come to Highway 62 in Anderson. She asked the Board to not allow this industry to come into this area. Ms. Foust informed the Board that she is blind and this blindness was caused by an avoidable medical error. She stated that the environment should stay clean and the Board needs to make this an avoidable error. Ms. Foust asked the Board to make the right decision for the citizens and added that the citizens can’t allow the Board to make a decision against the citizens.

Mr. John Claggett stated “Good evening, my name is John Claggett and I reside at 108 Jaye Lane, Providence, NC. First this evening I would like to inform this Board that unfortunately in the past and as recent as last week I’ve had to interface with Caswell County Animal Control. I’m happy to report that all of my dealings with that department have been nothing less than positive and professional. Secondly, I would like this Board to know that I have been requesting copies of committee minutes since January 8, 2020 to which I’ve been told on January 17th that the county attorney had to be consulted before anything could be done. I was then informed that the county manager was “still in the process of receiving the minutes for this committee and getting approval to release the closed session minutes. The approval for the release of these closed session minutes will take place during the next Economic Development Commission meeting on Monday, February 10, 2020.” I didn’t request anything regarding closed session or Economic Development Commission minutes. This committee has been publicly referenced as the Small Business Loan Committee and the Small Business Loan Program. This committee is or was made up of at least 2 commissioners, the county manager, the finance director, a local business owner and a local financial institution employee. This committee made recommendations to the Board of Commissioners which included the management of public funds. With that in mind I would think financial information of that nature would be readily available but have been told that these are handwritten notes in a folder somewhere. I would like to take this opportunity to publicly state that in accordance with the Public Records Act and North Carolina General Statute 132-1 that I am changing my request dated January 8, 2020 to read “from April 1, 2015” vice “from January 1, 2016”. Thank you.”

Mr. Bryon Shoffner stated “My name is Reverend Bryon Shoffner and my address is 150 Shoffners Loop, Burlington which is right off Hughes Mill Road. For the next few minutes I would like to speak to you about the asphalt cement plant that is proposed to be built on Highway 62 or better yet my front yard. See on a good day I can throw a rock at the cell phone tower and now there will be an asphalt plant staring at me right outside my bedroom window 24 hours a day. Now that I mentioned the purpose of why I am speaking now I must ask of you commissioner’s two questions. How did this happy and why did this happen? This happened because the township of Anderson was blindsided. I say blindsided because you all managed to slide this company in without anyone having a clue that they were coming. But now we see, it is not about the township or community of Anderson, but it is about what the company can do for you all. Yes, I said you all because your legacy will continue. How so you may be wondering, see you will be able to say we brought a company into the county that brought you out of one of the poorest counties. See our legacies will be diminished because of the property value. One of the things I deal with is PTSD. I am a 90% disabled veteran and what am I going to do. I wrote a whole lot in here. For one, I wanted to ask you what about our kids. What about our future? See when I am sitting down you think I am all normal but when I stand before you to hear that boom, that bang, that clang, that vibration, what am I to do? What are we going to do? See you slid it in and we did not know. You say you didn’t know but as I reviewed the records I see that you knew long before we could even think about it. See we the people at the Anderson community need answers and we are not going anywhere. We need all of the commissioners to step up and just be honest and truthful to each and every last one of us and tell us what are you going to do for us. What are you going to do for the community? Between Hughes Mill and Willie Pace Road there are a majority of African American Black folks and a lot of them have health hazards, a lot of them are sick and shut in but what are you going to do for them. Are you going to sit back and allow them to continue to let their health fall or are you going to continue to let our health fall? What are you going to do? My dream was to one day sit on the back deck and talk to my grandkids and explain to them what the difference was between a doe and a buck and now with the air that is going on it is getting ready to be polluted, what am I to tell them. Yes I understand the time is probably up but you know what do something commissioners, do something.”

Ms. Karen Gray, 948 Union Ridge Road, Burlington, stated that she has a concern about the asphalt/concrete plant coming to Anderson. She added that it has come to her attention that the county has an ordinance known as the Environmental Impact Ordinance from 2003 and the intent of this ordinance was to provide a mechanism for full disclosure of anticipated impacts of developments and to make such information publicly available for that citizens of the county may have input to developmental issues before they become mute. Ms. Gray stated that as a lifelong resident, taxpayer, and voter she was interested in knowing why this was not enforced in her community so that residents would know about this company coming into their community.

Mr. Tim Hudson, 295 Vinson Road, Burlington, stated that he lives about a ½ mile as the crow flies from the proposed plant on 62. He read the Planning Board responsibilities from the website “To keep the Board of Commissioners and the general public informed and advised as to these matters.” Ms. Hudson stated that he is ex law enforcement and when he was a detective good information was what was heard on the street and what he has heard about this project is ‘the state is pushing this in and we can’t do anything about it’ and he doubted that. He stated that the second thing he heard was the ‘Board did not know anything about this in time enough to do something about it’ and he read from the Planning Board minutes of March 27, 2018 under New Business “Ms. Denison said gave an overview of a proposed hot mix concrete and asphalt plant located on Wrenn Road, Prospect Hill. A few years ago they came in, and now they are ready to move forward with it. They have met with the Building Inspector, and Environmental Health to apply and receive all the required permits….Also stating that she had has copies of their well & septic, and soil & erosion soil plan…Mr. Poteat asked if there had been any feedback from nearby landowners. Ms. Denison replied yes in the past, but not recently. Mr. Poteat asked Mr. Carter on how the County Commissioners feel about this business coming to the County. Mr. Carter replied they were not aware of it. Ms. Denison said it is not something that has to be brought to the Commissioners.” Mr. Hudson stated that if the Board cared about the residents and environmental assessment would have been done. He added that he had a lady ask her how the Board could do this and he asked the lady if she attended commissioners meetings and added that more people need to attend the commissioners meetings.

Mr. James Vinson, 1396 Baynes Road in Anderson, stated that he would not be able to go fishing, hunting, sit on the porch, have cookouts or anything. He added that he thought the commissioners had fell and bumped their heads or something and that the citizens had been smoked out like a possum in a hole.

Mr. Phil Barfield stated “My name is Phil Barfield and I live at 910 Melvin Wrenn Road in Yanceyville. I wish to commend our county manager and county planner for their ongoing efforts to address the problems that led to the imposition of our current development moratorium by presenting and informing our communities with simple and easy to understand options that will keep our rural and agricultural setting intact, limit environmental damage from “polluting industries”, minimize disruption to existing homes and businesses, and establish areas for economic growth and development. These options will hopefully lead to an ordinance that will protect the citizens of our county and ensure we continue to have the right to enjoy our property and our way of life without being threatened by an unwelcome neighbor who will pollute our air, our water, our land, and affect our health. Eighteen years ago, and then again 16 years ago, residents came before the county commissioners and asked for these very same protections. A lot of time and taxpayer dollars were then spent addressing the problems but with no resolution. Now here we are again. We do not want to be in this situation again in the future battling another polluting neighbor such as more asphalt plants, a medical waste landfill, or a coal ash dump. In chapter 153A of the North Carolina general statutes, you, the county commissioners, are granted the power by the state to adopt ordinances. The Board has taken reasonable and feasible steps in the past to promote the health, safety, and general welfare of the people of Caswell County without the need or requirement to place the question on the ballot. I respectfully request that you do so again in the time that we have under the moratorium. The public will have an opportunity to provide our “say” over the next few months in the community meetings and during the public hearings. In the end, we need to come out of the moratorium with more protection and not the need to do this all over again. Thank you.”

Mr. Scott Oakley, 1425 Baynes Road, Burlington stated “First of all I want to say that I am a realist, I drive to the Research Triangle Park every day during the winter months, I see pot holes develop and in the spring time I enjoy when those pot holes get filled. Asphalt plants and cement plants have to exist but where these are located is not where we need them. I am aware of two documents which speak to land use ordinances in Caswell County: the Unified Development Ordinance and the Code of Caswell County. I have read the Unified Development Ordinance and sadly it is void of any ordinances that put controls or restrictions on high impact land use facilities which would protect the citizens of Caswell County. I have also reviewed the Code of Caswell County and it does include an Environmental Impact Ordinance and I would like to highlight a few points. In Section 14-66 it says the purpose of this is to encourage a public and governmental awareness of the environment and of the consequences of development which affect it. 3) Require that a full disclosure be made as to the anticipated effect of proposed development on the resources of the county and in part b. it says the intent of this article is to provide a mechanism for full disclosure of anticipated impacts of developments and to make such information publicly available so that citizens of the county may have input into developmental issues before they become moot and that is where we are today. Now my question, is an environmental assessment required under this ordinance? Yes it is in Section 14-68. Has an environmental assessment been requested? Yes according to an email from the Caswell County Planner on January 13, 2020 he stated “I have already informed Sunrock that an Environmental Assessment Application will be needed for all of their proposed development plans. They have not yet submitted them. If and when they do I plan to process them to the full letter of the ordinance.” So that is good. As we consider the environmental assessment review process does it provide a mechanism for full disclosure? No, there are no requirements in the environmental assessment review process for full disclosure to the public of environment consequences as indicated in Section 14-69. So in the review process the planning department and/or planning board shall review the environmental assessment within 30 calendar days and if accepted, the EA will be reviewed by the planning department and so on. There is no mention of public disclosure as part of the EA. So due to the inadequacies of the county’s land use ordinances I call for this Board to pass a motion directing the planning department to require EISs for all proposed high impact land use projects. The county has the right to do this per Section 14-68. According to the Caswell County Code it is not until the review of the EIS that the public notice is required. According to this section once the planning department accepts the completed EIS a notice shall be placed in a newspaper of general circulation, stating that the EIS will be available for public review at the planning department for a period of at least 15 days. This is absolutely inadequate and archaic for our time. I will skip to the end for the sake of time. Does the EIS provide Caswell County and its citizens what exactly it does afford us? It gives us the ability to look at land, water, human health issues, noise impacts and traffic impacts. I call for the Board to pass a motion today directing the Planning Department to provide a plan on how this will be accomplished within 15 days. I would assert that to make an assessment of the air, water, biological, noise, traffic and most importantly human health impacts the County will be required to assess the current state to establish a baseline for all of these things. Even more importantly you will need to survey the areas around these proposed facilities to identify those with existing health issues who will possibly suffer complications or worse from these facilities. Unless EISs are required I am being told this is moot. There is additional information, I will close at this time, I have submitted all of my comments for your reading.”

Ms. Evangeline Gaudette, 441 Baynes Road, Burlington, stated that she is opposed to the proposed asphalt plant in Anderson. She stated that she grew up in Anderson and after getting married she and her husband chose to build a home in Anderson to provide a safe, peaceful and clean environment for their future family. Ms. Gaudette stated that she now has a daughter and is concern about the environmental impact the proposed asphalt plant will have but mostly the long term health effects on her family especially her daughter. She added that knowingly allowing a plant to come in to pollute the water and air is not very kind. Ms. Gaudette stated that the Board may want to help but think there is nothing that can be done however she believes there is always something that someone can do. She asked the Board to do something to protect their community and children.

Mr. Robert Jeffers, 868 Old Stoney Mountain Road, Burlington, stated that as a citizen and as other residents of Old Stoney Mountain Road they expected to live in their community without interruption by loud noises, smoke or fumes, disturbing vibrations, or pollution of the air, water and soil. He added that the Caswell County Ordinance #54 known as the Environmental Impact Ordinance of 2003, the intent of this ordinance is to provide a mechanism for full disclosure of anticipated impacts of developments and to make such information publicly available so that the citizens of the county may have input in developmental issues before they become moot. Mr. Jeffers stated that the citizens on this road opposed any hazardous and dangerous industries coming to the county.

Ms. Carolina Laur, 12671 NC Highway 62 in the Anderson Township, stated that she has heard that this industry will bring a lot of money into the county and the taxpayers will not have to pay as much on property taxes. She stated that she had heard other people say that they will have variances that will change it from 190 feet from her house to 290 feet from her house. Ms. Laur stated that she had heard other people say that the attorney told them that at the time of the moratorium that the moratorium would not affect these 3 facilities so she wanted everyone to be clear about what everyone is asking. She stated that everyone is happy that the moratorium is in place and happy that no polluting industries will come into the county but they are saying they do not want it in their neighborhood. Ms. Laur stated that she has been told that she is too emotional about this issue but it is emotional because it will affect her friends and neighbors and they are the people that she is building her life with and they plan to build a really good township in Anderson. She stated that she is going to try to be factual to meet the needs that she has been asked to meet. Ms. Laur stated that she sent an email to everyone on the Board and asked 4 questions about the moratorium as well as other things. She stated that in that email she asked when the public service elected officials and public service employees of Caswell County become aware of the future intent of Sunrock LLC or any of its affiliates with such plans such as Caswell LLC. Mr. Laur stated that she received a statement back from the county manager and not a member of the Board and she assumed it was a statement from all the commissioners was dated August 2, 2019 stating that a letter was sent for zoning confirmation regarding a Highway 62 property. She then read from the minutes of the Planning Board dated March 27, 2018 “Ms. Denison said gave an overview of a proposed hot mix concrete and asphalt plant located on Wrenn Road, Prospect Hill. They have met with the Building Inspector, and Environmental Health to apply and receive all the required permits.” “I also quoted Ms. Denison the Caswell County Planner at that time ‘A few years ago they came in and now they are ready to move forward with it.’” Ms. Laur asked “A few years ago? They came in? And now they are ready to move forward??? Mr. Blalock asked, Mr. Blalock is on the planning board, asked what was the name of the company. Ms. Denison replied NC Sunrock. Does this mean that the county may have known about this polluting industry coming to Caswell County as early as 2016????” She added “The minutes indicated that Commissioner Bill Carter was present at this meeting. I have a copy of certified letters addressed to the Caswell County manager from the Sunrock Group Holdings Corp dated August 2, 2019, an intent to purchase 12971 NC Highway 62 for the purpose to putting a polluting industry on this property. I have a letter from our county manager to Sunrock stating thus there are no restrictions in Caswell County that would prohibit a use of the property for the business and there’s more in the letter.” Ms. Laur stated that the letter is dates the same date that Sunrock bought this property and this was interesting to her. She asked the Board about Ordinance #54 Environmental Impact Ordinance dated in 2003 which called for full disclosure. Ms. Laur stated that she is emotional because this polluting industry will be 190 feet from her back door. She added that she has an illness and this industry will mean death to her so she will have to leave this location if this industry comes in and now the Board is talking about putting the industry 290 feet from her back door. Ms. Laur stated that this neighborhood has kids with asthma and the Board keeps telling the citizens it can’t help them but she has been asking for the truth since day one so that the citizens can help the Board. She added that the citizens have heard that this is coming from Raleigh but if the Board would tell the truth the citizens could block Raleigh and added that they are a strong people and merciful people. Ms. Laur stated that they are not trying to hurt the Board but they are trying to help themselves. She ended her speak with a quote from Martin Luther King “It is always the right time to do the right thing.”

Mr. Stephen Nicholson, 131 Stainback Road, Burlington in the Anderson community, stated that he grew up with a great pastor that said the great sin of people and America is expediency and added that economic development is pushed along by expediency. He told about this history in Texas working for the city where an industry was releasing fluid into the river. Mr. Nicholson stated that he has heard that Sunrock is self-regulated but the company that he dealt with before was not. He added that sometimes actions have to be taken that are uncomfortable. Mr. Nicholson stated that the due process of fair notice was not given to the residents and he believes that this was the responsibility of the County, the Commissioners, and he believes that the Board can come up with a remedy or a solution to meet the needs of the residents. He added that the remedy is allowing the people to live where they chose to live with fresh air, water quality, and the trees.

RECOGNITIONS

Commissioner S. Carter stated “First recognition is, I am very pleased at the progress that is taking place at the Milton Fire Department substation, their expansion. I think that will meet the needs of the community and I commend those that are a part of that project. This is an awesome crowd tonight, I am inspired by the diversity in this room, that inspires me as one of the elected officials here, keep up the good work. Y’all are amazing. This is what we need to see in Caswell County, the people united under one single cause. We may not have every answer available for you. There may not be one singular solution to this but I am inspired by the minds and the hearts that are in these communities just like yourselves and that gives me hope for our situation so I thank you for being here tonight.”

ACTION ITEMS

APPROVAL OF AGENDA

Commissioner Jefferies asked to amend the Agenda and add a Resolution in Support of High Street Baptist Church’s Request for a Crosswalk and Flashing Warning Sign for discussion and to vote on this resolution at the next meeting. Chairman McVey responded that this item would be added to the agenda just before Item #7.

Commissioner Jefferies moved, seconded by Commissioner Hall to approve the agenda as amended. The motion carried unanimously.

APPROVAL OF CONSENT AGENDA

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

The following items were included on the Consent Agenda:

A. Approval of Minutes of February 3, 2020 Regular Meeting

B. Approval of Minutes of February 10, 2020 Special Meeting

RECESS

The Board took a brief recess.

RESOLUTION IN SUPPORT OF HIGH STREET BAPTIST CHURCH’S REQUEST FOR A CROSSWALK AND FLASHING WARNING SIGN

Mr. Miller read the resolution.

Commissioner W. Carter moved, seconded by Commissioner Jefferies to approve the resolution as read by the county manager.

Commissioner S. Carter asked “Mr. Chairman, can we discuss that?” Chairman McVey responded “Well I thought we pretty much discussed it. If you want discuss on it, go ahead.” Commissioner S. Carter continued “Well I don’t mean to upset the group; I thought we were going to discuss it at this meeting and place it on the next meeting’s agenda per our policy on resolutions and ordinances.” Chairman McVey responded “Well we changed our minds while you were in the back talking and figured out that we could do it at this time and we were going to do it to get this thing started so that’s what we done.” Commissioner S. Carter stated “Apologies there, I am not against the resolution but…” Commissioner W. Carter responded “And it was also discussed at the quarterly meeting with the Yanceyville Town Council and so it can be placed on the agenda.” Commissioner S. Carter continued “Correct. No need to sound harsh about it but I will vote yes on the resolution.”

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

**Resolution in Support of High Street Baptist Church’s Request for a Crosswalk and Flashing Warning Sign**

**WHEREAS,** the Caswell County Board of County Commissioners, the Town of Yanceyville’s Town Council, and the Town of Milton’s Board of Commissioners met in a joint meeting on February 13th, 2020; and

**WHEREAS,** the Caswell County Board of County Commissioners, the Town of Yanceyville’s Town Council, and the Town of Milton’s Board of Commissioners recognize the pedestrian hazards that exist each and every time meetings and services are held at High Street Baptist Church; and

**WHEREAS,** there have been efforts made by individuals on each Governing Board and by staff representing the Governing Boards to make NC DOT aware of the on-going factors associated with pedestrian traffic and the safety hazards that exist at High Street Baptist Church; and

**WHEREAS,** NCDOT has followed the agencies usual measures to address the very unusual and unique situation existing at High Street Baptist Church but have failed to address the situation by not installing what parishioners, Deacons, Commissioners, and County staff have recommended as a viable solution that would address their concerns; and

**WHEREAS,** all three governing bodies convey their support for a crosswalk and flashing crosswalk sign to be placed at High Street Baptist Church located at 11759 Academy Street, Milton, NC 27305; and

**WHEREAS,** the Caswell County Board of County Commissioners, the Town of Yanceyville’s Town Council, and the Town of Milton’s Board of Commissioners feel it is necessary to make their efforts know to NC DOT, the parishioners, and the public concerning the portion of road at High Street Baptist Church;

**NOW, THEREFORE,** be it resolved by the Caswell County Board of County Commissioners, the Town of Yanceyville’s town Council, and the Town of Milton’s Board of Commissioners support and request the North Carolina Department of Transportation to install a crosswalk and a crosswalk flashing sign at High Street Baptist Church in Milton, North Carolina as a proactive measure to ensure the safety of our residents before tragedy is experienced within our jurisdictions.

This the 17th day of February, 2020.

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

Rick McVey, Chairman

Caswell County Board of Commissioners

Attest:

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

Paula P. Seamster

Clerk to the Board

HVAC FOR SENIOR CENTER

Mr. Miller stated that the Board was made aware of the heating issues at the Caswell County Senior Center two meetings ago and at that time he informed the Board that he would be bringing back quotes and recommendations. He added that included in the Board’s agenda packet is a quote of $57,500 to replace 7 units and to install programmable thermostats in each location. Mr. Miller stated that the County went through the required process for bids according to the North Carolina General Statutes and made a recommendation to move forward with James Heating and Air Conditioning. He added that this item having been place on the agenda for the first time tonight and is an off budget expenditures of more than $10,000 will have to be voted on at the next Board meeting unless the Board wants to suspend its rules.

Commissioner Hall asked if during the budget process last year if the Board established a capital reserve. Mr. Miller responded that $50,000 was put aside for capital project but a lot of this money has already been expended on items like the fence, painting of the stairwells in the Historic Courthouse, etc. but he could get a list of those expenditures. Commissioner Hall stated that he did need to see a list and asked if there were 7 units in the Senior Center. Mr. Miller responded that there are 7 units in the Senior Center. Commissioner Hall stated that each year when the Board goes through the budget process it talks about reserves and he knew that the County knows how old the units are and he does not understand why this is not included in the budget. He added that he was talking to the Board on this matter and not the county manager because having to replace 7 units is unfathomable.

Commissioner W. Carter asked if the Senior Center was completely out of heat. Mr. Miller responded that there are a couple of units that are still working and able to provide some level of heat. He added that this is an issue that needs to be addressed as soon as possible. Commissioner W. Carter stated that the Senior Center needed these units and he did not see any way around it so he suggested that the money be taken out of fund balance because it is a necessity item.

Commissioner Oestreicher asked if this proposal was part of the budget. Mr. Miller responded that it was not a part of the budget. Commissioner Oestreicher continued by saying that this was never discussed. Mr. Miller responded that unfortunately this was an issue that was unforeseen because the county is used to getting 19 to 20 years out of the heat pumps and these units are 11 years so these units did not fall within the replacement schedule.

Commissioner W. Carter stated that he agreed with Commissioner Hall that the Board should have set up a capital reserve for these types of issues.

Chairman McVey asked what the installation time would be for this project. Mr. Miller responded that he did not know but he did know that the company is ready to move forward as soon as the equipment arrives because they understand the priority of the project.

Commissioner S. Carter asked “Mr. Chairman, for some reason they are 11 years old what was the circumstance that they failed?” Mr. Miller responded that it is his understanding that the control systems for the units had been problematic for some time and the control systems lead to the degeneration of the units and that is the reason the units are in the shape that they are now. Commissioner S. Carter continued “I’m personally not comfortable with taking out of fund balance without looking more holistically at capital needs; I think we need to see that prior to budget so that we can be prepared to know what situation we have. I know it’s a need but I feel like we could understand what other needs may arise.”

Chairman McVey asked if the Senior Center was in dire straits or is the heat available when needed. Mr. Miller responded that he would characterize it as comfortable cold in the Senior Center.

Commissioner W. Carter moved to purchase these units for the Senior Center and take it out of fund balance.

Mr. Miller stated that if this is the wishes of the Board, the Board will need to suspend its rules of procedure first.

Commissioner Oestreicher asked if these units were repairable or patchable. Mr. Miller responded that the units could be repaired for about $15,000 but this may only last until July. He added that there is no guarantee on how long this repair will last.

Commissioner Jefferies asked about the warranty on the units. Mr. Miller responded that the warranty is 5 years on parts and labor. He added that he would recommend that the County enter into service contracts to service these units instead of letting the units go until something breaks and he added that he thought if there were service contracts there would be longer life expectancies.

Chairman McVey asked the Board if it wanted to suspend the rules and vote on this tonight or to table the item and vote on it at the next meeting.

Commissioner W. Carter stated that he thought the Board should go ahead and purchase the units and to take it out of fund balance.

Chairman McVey asked again if the Board wished to suspend the rules in order to vote on this item tonight.

Commissioner Jefferies moved, seconded by Commissioner W. Carter to suspend the rules to be able to vote on the item tonight.

Commissioner Hall commented that for the last several years the Board has failed to plan for any emergencies and then the Board says it has to be done now. He questioned why there were 7 units in one building and added that he believed that building could get by with less than 7 units even if the county has to pay an engineer to reconstruct it. Commissioner Hall stated that he was going to vote against suspending the rule.

Chairman McVey stated that he thought if the county had a proper maintenance program it would prolong the life of these units. He added that a work order program has been started but he has fussed about getting a program that would issue preventative maintenance that would let staff know when to change filters, service, etc. which has not been implemented.

Commissioner Oestreicher stated that he was still fixated on the failure of the units. Chairman McVey responded that they failed because they were not serviced.

Mr. Miller stated that he would be happy to have the maintenance director at the next day meeting to explain the cause of the failure and his recommendation to move forward. He added that he asked for the maintenance director’s recommendation and this is what he was given.

Commissioner Oestreicher asked if there was a design flaw in the control system or a lack of maintenance on the county’s part. Mr. Miller responded that he asked the question on why the county had this issue and the responded was that this was the life expectancy on these types of systems and that response came from both air conditioning companies per the maintenance director. Commissioner Oestreicher stated that this failure was not unusual. Mr. Miller responded that it was not for this type of system.

Upon a vote of the motion, the motion failed by a vote of two to four with Commissioners S. Carter, Hall, McVey and Oestreicher voted no.

Commissioner S. Carter asked “Mr. Chairman, is there a way that we could as part of the next meeting’s agenda and I assume the maintenance director will still come and present to us, I am just wondering holistically with all of our county buildings are we anticipating any large capital things upcoming? I know in the last budget process we had a list and we just need a refresher on what’s coming in the future so we can realize what the big picture is and I assume that most of that may still be there from last year.” Mr. Miller responded that he thought the Board funded most of it last year. Commissioner S. Carter continued “Right.” Mr. Miller responded that he did not think there was a lot from last year’s list that is still outstanding this year. Chairman McVey responded that the Board funded about everything that was on the list. Mr. Miller added that as part of the budget process the Board will get a list of capital items as it did last year. Commissioner S. Carter asked “So are we anticipating any at this point versus three months down the road?” Mr. Miller responded that he was not aware of any other substantial expenditure that the county would have to make from a capital standpoint within the next 3 months but this was not to say that something would break and the county would have to address it.

Commissioner W. Carter stated that if the units are not going to be replaced the units needed to be repaired because it was not right for individuals to come to the Senior Center and be in the cold. Chairman McVey responded that this would be brought back to the next meeting and that everyone involved would be at the meeting and this would give staff time to look at where the money will need to come from to fund this.

Mr. Miller stated that the Senior Center Director and the Maintenance Director will be at the next meeting.

APPOINTMENTS TO BOARDS AND COMMITTEES

Farmer Lake Board

Commissioner S. Carter moved, seconded by Commissioner W. Carter to appoint Mr. Jerry Sykes to the Farmer Lake Board. The motion carried unanimously.

AUTHORIZATION FOR SURPLUS ITEMS

Mr. Miller informed the Board that he gave them a resolution on this item and read the resolution. He gave the Board a little background such as the county has had equipment that was no longer utilized by the county and before it could be sold it had to come before the Board and many times the property would sit for many months or years before it was sold and he did not feel it was the best way to proceed in that manner. Mr. Miller gave the example of the skating rink, the county purchased hay bales to sit around the rink to provide a barrier as a safety measure and now those bails are no longer useful to the county and the hay bales from last year sat in Guilford Mills and rotted and molded so they could not be sold. He added that the maintenance director believes he can sell these hay bales on behalf of the county which would mean the Board or the county manager would need to offer them as surplus in order to enter into a private negotiation and that is why the resolution is before the Board tonight.

Commissioner W. Carter stated that this would allow the county to post items on Gov. Deals. Mr. Miller responded that 160A-270 allows for the disposition through electronic auctions.

Commissioner W. Carter moved, seconded by Commissioner S. Carter to approve the resolution as presented by the county manager.

Commissioner Hall asked when the county planned to have its next surplus sale. Mr. Miller responded that he did not have any plans to have a surplus sale in the foreseeable future.

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

**RESOLUTION**

**Authorizing Sale of Surplus Property and Authorizing a Dollar Threshold the County Manager May Declare Personal Property as “Surplus”**

**WHEREAS,** G.S. 160A-266(c) authorizes a local governing body to adopt regulations prescribing procedures for disposing of personal property valued at less than thirty thousand dollars ($30,000) for any one item or group of items in substitution for the requirements of this Article. The regulations shall be designed to secure for the County fair market value for all property disposed of and to accomplish the disposal efficiently and economically. The regulations may, but need not, require published notice, and may provide for either public or private exchanges and sales. The governing body may authorize one or more County officials to declare surplus any personal property valued at less than thirty thousand dollars ($30,000) for any one item or group of items, to set its fair market value, and to convey title to the property for the governing body in accord with the regulations; and

**WHEREAS,** any such transaction shall be reported to the Board of Commissioners as information describing the property sold or exchanged, to whom it was sold, or with whom exchanged, and the amount of money or other consideration received for each sale or exchange;

**NOW, THEREFORE BE IT RESOLVED** that effective February 17th, 2020,

1. The County Manager is authorized to declare property surplus any one item or group of items, to set its fair market value, and to convey title to the property for Caswell County in accord with the regulations with a value of up to $1,000.
2. The County Manager may dispose of personal property belonging to the County by:

(1)        Private negotiation and sale;

(2)        Advertisement for sealed bids;

(3)        Negotiated offer, advertisement, and upset bid;

(4)        Public auction; or

(5)        Exchange

Or as authorized in § 160A-270.

This the 17th day of February, 2020.

S/Rick McVey \_\_\_\_\_\_\_\_\_\_\_\_\_\_ S/David J. Owen \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Rick McVey, Chairman David J. Owen, Vice Chairman

Caswell County Board of Commissioners

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

Sterling Carter, Commissioner William E. Carter, Commissioner

S/Jeremiah Jefferies \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ S/Nathaniel Hall \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Jeremiah Jefferies, Commissioner Nathaniel Hall, Commissioner

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

Steve Oestreicher, Commissioner

Attest:

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

Paula P. Seamster

Clerk to the Board

LEASE AGREEMENT BETWEEN THE COUNTY OF CASWELL, NC AND THE CASWELL COUNTY BOARD OF EDUCATION

Mr. Miller informed the Board that this lease agreement is a part of the Bartlett Yancey High School project. He added that at the last meeting the Board voted to receive control of the property offered by the Board of Education and this is a lease agreement to lease the property back to the Board of Education so that they can continue the services that they current provide to the students. Mr. Miller stated that this lease agreement was developed by the county’s bond counsel and it has been reviewed by the county attorney. He stated that term of the lease is $1 per year and at the termination of the contract the Board of Education has the ability to purchase back the property for $1.

Commissioner Oestreicher stated that on the agreement the terms state ‘on the date that the School Debt Obligations are fully paid or duly provided for as set forth in the Financing Documents, and the Financing Documents are terminated and cancelled.’ and added that he did not see any financial documents attached. Mr. Ferrell responded that there have been some slight modifications to the lease agreement and will read ‘on the date that the County recovers sales tax reimbursements paid or incurred in connection with the School Project.’ He added that USDA only requires that this be through the completion of the project. Commissioner Oestreicher asked if the county attorney was saying that the Board was not looking at the final document. Mr. Ferrell responded that there were some changes late last week that may not have made it into the Board’s packet.

Commissioner Hall asked the county manager how this lease agreement would impact the county’s financial statements since the county would own the property for a while. Mr. Miller responded that he did not see any impact to the county’s financial statements and added that the net value would go up. Mr. Ferrell added that it would be exempt from taxation. Commissioner Hall stated that in the county’s financial statements most likely in the balance sheet if the county owns this property and leases it back to the Board of Education the county will have to show this property as an asset in dollars at least for a couple of years. Mr. Miller responded that he would have the finance director to run an analysis on this. Mr. Ferrell added that he thought Commissioner Hall was right and that the property would have to show up on the balance sheet.

Commissioner W. Carter moved, seconded by Commissioner S. Carter to approve the lease agreement between Caswell County and the Caswell County Board of Education as amended.

The motion carried unanimously.

BYHS INTERIM FINANCING UPDATE

Mr. Miller stated that the county is at the point to move forward with a RFP for interim financing for the BYHS project and he asked the Board for approval to put an RFP out for bids to receive proposals. He added that the county attorney, county’ financial advisor Davenport and the bond counsel will review all the proposals that are received and if they are pleased with the rates they will be brought back to the Board in the form of a recommendation. Mr. Miller stated that this is non-committal, the county is not committing to anything it is just getting proposals.

Commissioner Oestreicher moved, seconded by Commissioner W. Carter to instruct the county manager in investigating interim financing. The motion carried unanimously.

BYHS PROJECT MANAGER CONTRACT APPROVAL

Mr. Ferrell stated that in the memorandum of understanding with the School Board it was a priority of the Commissioners to engage in an owner’s representative to serve as the liaison between the Board of Commissioners and the School Board and the project architect and the project contractors. He added that the School Board identified Mr. Bill Powell and his firm LT Consulting, LLC as a recommended firm to serve as the owner’s representative. Mr. Ferrell stated that before the Board is the independent services agreement to engage LT Consulting as the owner’s representative for the Bartlett Yancey High School Project. He added that there is one change to the agreement and that has to do with the set of insurance requirements and the firm did not price in the cost of a professional negligence liability policy and this will be added to the cost of the agreement which is around $2,000 a year. Mr. Ferrell stated that the scope of services is outlined in the agreement.

Commissioner S. Carter stated “We don’t have the agreement before us.” Mr. Ferrell responded that it was on the agenda and he thought that it made its way into the packet but it has been something that has been worked on for a number of weeks but other than the one change it is the same. He apologized for it not making it into the packet but he was not aware that it was not included. Mr. Ferrell asked if the Board wanted to bring this agreement back to the next Board meeting.

Commissioner W. Carter moved to approve the Bartlett Yancey High School Project Manager Services agreement. The motion died due to a lack of a second.

Commissioner S. Carter stated “I understand the expediency of the situation and I have a lot of faith in what you do but I do have a problem not having a contract in front of me and I don’t necessarily want to put it off and I just wanted to get that off my chest.” Mr. Ferrell responded “Sure, I don’t know what to account for it perhaps I did not communicate clearly with the clerk on the agreement being ready for review and I will take the responsibility for that, I am sorry about that.” The clerk stated that she never received the agreement.

Commissioner Oestreicher asked for a synopsis of the agreement. Mr. Ferrell responded that it is a fairly standard set of terms for an independent contractor. He read through the agreement.

Commissioner S. Carter asked “I remember when this was all being conceptually discussed maybe a year and a half ago, did we decide to share this manager or do both parties…” Mr. Ferrell responded that the County and Board of Education will share this owner’s representative. Commissioner S. Carter continued “And when is the first quarterly presentation per this contract?” Mr. Ferrell responded that it would be quarterly from the engagement date so it would start right away because the project is moving.

Commissioner Hall asked if there was anyone else doing the scope of work that the county attorney outlined that the project manager will do. Mr. Ferrell responded that the architect is responsible for presenting and making recommendations on change orders so the logic behind having an owner’s representative to participate in the change order review and recommendation process is to protect the owner, it is another layer of review. He added that it is duplicative but it is to protect the owner. Commissioner Hall stated that he understood that but other than the architect he wanted to know if anyone else was being paid to do the things that the project manager will be doing. Mr. Ferrell responded that he did not see any other duplication other than the architect. Commissioner Hall asked if there was a conflict between the architect and the consultant how would this be handled. Mr. Ferrell responded that the owner’s representative will provide information and recommendations based on the firm’s professional opinion and there is no layer of authority that is delegated to the owner’s representative in lieu of or instead of the contractor or the architect. He added that the county will have to make the decision. Commissioner Hall asked why the county is going to pay $2,000 for negligence insurance. Mr. Ferrell responded that in his view when having professional services it is typical to request errors and omissions insurance. He added that if the consultant makes a mistake in his recommendation it would be actionable. Mr. Ferrell stated that the contractor has said that other counties he has worked for has not required the errors and emissions insurance and the County can decided that it does not need that type of coverage but he recommended that this be required.

Commissioner Oestreicher stated “Mr. Chairman with that excellent review and the fact that we have seen the contract before, not of recent, I feel that I am happy to make a motion that we accept the contract as presented to us by the county attorney.”

Commissioner Oestreicher moved, seconded by Commissioner S. Carter to accept the LT Consulting, LLC Services agreement as presented by the county attorney. The motion carried unanimously.

DISCUSSION ITEMS

RULES OF PROCEDURE FOR THE CASWELL COUNTY BOARD OF COMMISSIONERS

Commissioner Hall stated that he wanted to comment on the work session that the Board had and the information that was provided by Commissioner Owen. He stated that it was a good meeting and he wanted to thank Commissioner Owen and the rest of the Board for taking the time to do what was accomplished at the work session. Commissioner Hall stated that with the Rules of Procedure he suggested that the Board start at Rule 1 and go through the rules one by one and if there are no comments on certain rules the Board will move on to the next rule.

There were no comments on Rule 1. Applicability of Rules; Opening Meetings Rule 2. Meetings to the Open.

Rule 3. Closed Sessions. Commissioner Oestreicher asked if under (b) if there could be a list of the closed session purposes. Commissioner S. Carter responded “I think that would be very useful to the public too.” Mr. Ferrell responded that the list could be added and added that it would say ‘including but not limited to’ and then include the list.

Commissioner Hall suggested that as the Board goes through this and makes changes the Board will vote after all the changes are made as amended.

Organization of the Board Rule 4. Organizational Meeting. Commissioner Hall stated that one thing he noticed was in the second sentence ‘The agenda for this organizational meeting shall be limited to induction of newly elected members of the Board of County Commissioners and other elected County officials and organization of the Board for the ensuing year.’ He stated that he could not remember inducting other county officials at this meeting. Commissioner S. Carter responded “They used to do the sheriff and the clerk of court in the past maybe in 2008 I thought I saw an article about that but recently in the last three or four no, it didn’t happen.” Commissioner Hall asked for discussion sake did the Board want to leave this sentence in or take it out. Commissioner S. Carter responded “I think to promote unity with county elected officials that is something that we should encourage to be brought back even though it’s a written rule we can’t hold them accountable for coming per se they are separately elected official but you know I think us all getting to know each other at an organizational meeting and the public attending such a meeting is a positive event that we should encourage.”

Commissioner Oestreicher stated that he was good with leaving this sentence. He then suggested that it should be ‘newly elected members’ with an (s) so that more than one can be done at a time. Commissioner Hall stated that the general consensus is to leave this as is.

Commissioner S. Carter stated “Thought on that, limited to induction or organization I will acknowledge that we have not followed that in the past and we only meet you know at minimum 24 times a year. Is it a great thought to conduct county business on that day? We have that’s why I am acknowledging it because it says it is limited to induction of new members and the organization of the Board whereas we have had agenda items for action and discussion added to it as well recently.” Commissioner Hall responded that what the Board has traditionally done is to have two meetings with the induction meeting first and then the Board goes into the next meeting. Commissioner S. Carter continued “Okay. Is that clear? That might be confusing to some people but it’s a very minor issue so but that makes sense 2 meetings.”

Commissioner Hall asked if there were any more comments or suggestions for Rule 4. Commissioner Oestreicher responded that on the Odd-Numbered Years it does not specify that the clerk will preside over the meeting until the Chair is elected like in the Even-Numbered Years. Commissioner Hall stated that this needs to be consistent and to add this under the Odd-Numbered Years because it is was is normally done.

Commissioner Oestreicher stated that once again there is a missing (s) on Rule 5. ‘he or she become(s) disqualified’.

Commissioner Hall moved on to Regular and Special Meetings.

Commissioner W. Carter stated that some boards elect a chairman and a vice chairman for a 2 year term and this Board does a one year term. Commissioner Hall responded that these procedures are only relevant to this Board.

Commissioner Hall moved on to Rule 6. Regular and Special Meetings.

Commissioner Oestreicher stated under Regular and Special Meetings (b) Special Meetings instead of ‘I addition’ it should be ‘in addition’. Commissioner Hall requested Commissioner Oestreicher to report all grammatical errors to the clerk. Commissioner Oestreicher responded that he was good with that; he just wanted to be thorough.

Commissioner Hall continued Rule 7. All Meetings within the County; Rule 8. Broadcasting and Recording Meetings. Rule 9. Agenda.

Commissioner S. Carter stated “Sorry in Rule 8 in part (a), subsection (a) ‘Any person may photograph, film, tape record, or otherwise reproduce any part of a meeting required to be open.’ And then in part (b) it says and its specific only to any radio or television station that they are to notify the county manager no less than 24 hours before the meeting if they are going to be broadcasting, should that apply to the any person that will film the meeting? There is kind of a disconnect between I guess larger media versus tripods.” Commissioner Hall responded that he thinks the idea was if channels 2, 8, 12, and 14 coming in with their video equipment the room would not be able to accommodate all of them so the reason behind contacting the county manager to make sure that they could be accommodated. He added that the whole idea is for accommodations. Commissioner S. Carter continued “Sure.”

Commissioner W. Carter stated that (c) states ‘The Board may, by majority vote, add an item that is not on the agenda.’ Commissioner Oestreicher responded that the Board has not made it that far.

Commissioner Oestreicher stated that in Rule 8 it says ‘Any person may photograph, film, tape record, or otherwise reproduce any part of a meeting required to be open.’ and added that the word ‘broadcast’ is not included and thought it was fine to leave this word out but what it says is that an individual can’t sit there and do a video cast or stream because it is not allowed. Commissioner Hall responded that he did not think it was not allowed but the technology did not exist when this was first put together but he thought the idea is that people can record, broadcast, and do whatever in an open meeting.

Commissioner S. Carter stated “Filming is streaming, streaming is what they do combined together.”

Commissioner Oestreicher stated that the implication here is that these are static records as opposed to online or broadcast records. Mr. Ferrell responded that Commissioner Hall is right and added that Commissioner Oestreicher is also right and added that this is a set of rules the School of Government recommended for county government years ago. He added that these rules have been modified over the years. Mr. Ferrell stated that Commissioner Hall is right and stated that 8.a. television and radio stations were the ones that broadcasted when the rules were adopted but now there is webcasts and he recommended that the Board amend 8a to say ‘Except as provided in this rule, any person is entitled to broadcast all or any part of an official meeting’ and to delete radio or television station.

Commissioner S. Carter stated “And then that connects to subsection (b) where my question came in whether it be a television camera or a tripod.” Mr. Ferrell responded that he thinks this is a little different because (b) is not a person with a cell phone that is going to cause the crowd of equipment that would require a different site.

Commissioner Oestreicher asked how the Board would deal with anyone being disruptive during the meeting such as commentating during the streaming or the broadcasting. Commissioner Hall responded that the Board did not need to have rules for disruptions; the Chair controls the meetings as well as the disruptions. He added that if someone or something is disruptive then the Chair can stop this. Commissioner Oestreicher stated okay.

Commissioner S. Carter stated “And any member can make a point of order to bring the Chair’s attention to that.” Commissioner Oestreicher responded okay.

Commissioner Hall moved on to Rule 9. Agenda. He asked Commissioner W. Carter if he wanted to make a comment about subsection (c).

Commissioner W. Carter stated that he knew there was some discussion about if any item was not on the agenda in order to take action it would have to wait until it is put on the next agenda but according to (c) it says a majority vote can add an item to the agenda. Commissioner Hall responded that the Board routinely does this and added that just about every meeting something is added to the agenda before it is approved. Commissioner W. Carter continued by saying that he knew there was some discussion when Mr. Jefferies added a resolution. Commissioner Hall responded that there may be a specific item that is controlled by a specific rule and he added that some of the Board had misinterpreted the rule on resolutions. He added that in terms of getting items on the agenda the Board routinely adds items. Commissioner Hall stated that in Agenda in items (a) and (b) that a request must be received by the clerk 72 hours before the meeting and then the Board also says the agenda must be sent out 72 hours before the meeting and it can’t be both ways. Commissioner S. Carter responded “We have added items to the agenda the day of.” Commissioner Hall stated that these are the items that are on the agenda. He then stated that the Board has added items to the agenda the day of the meeting but if the Board is going to have a rule that items need to be sent to the clerk 72 hours before the meeting there should not be a rule that the clerk has to get it out 72 hours before the meeting.

Mr. Ferrell asked what the actual practice is and asked if the Board received the agenda 72 hours before the meeting. Commissioner S. Carter responded “Tuesday before the meeting.” Mr. Miller responded that there is not a current practice with the new agenda procedure. He added that tonight the Board saw that there was a contract that was not in the agenda and the county attorney had to go over that contract with you. Mr. Miller stated that he read the emails that went out and the contract was never given to the clerk and when he read through the emails it did not connect with him that the clerk was not included so that is still being worked through as far as the agenda is concerned. He added that historically all information had to be sent to the clerk by Tuesday at 12:00 p.m. before the meeting on Monday.

Commissioner Hall stated that it is in hours in the rules of procedure. Mr. Miller recommended information to the clerk 96 hours before the meeting and agenda sent out 72 hours before the meeting. Commissioner Hall suggested getting a recommendation from the clerk for the next agenda.

Commissioner Hall moved on to Conduct of Debate Rule 11. Powers of the Chair; Rule 12. Presiding Officer When the Chair is in Active Debate; Rule 13. Action by the Board; Rule 14. Second Required; Rule 15. One Motion at a Time; Rule 16. Substantive Motion; Rule 17. Adoption by Majority Vote; Rule 18. Debate; Rule 19. Procedural Motions; Rule 20. Renewal of Motion; Rule 21. Withdrawal of Motion; Rule 22. Duty to Vote; Rule 23. Prohibition of Secret Voting; Rule 24. Action by Reference; Rule 25. Introduction of Ordinances, Resolutions, and Orders.

Commissioner Hall stated that Rule 25 is the one that the Board had some discussion about tonight and he thought he may have misinterpreted Rule 25 so he asked the county manager or county attorney to explain what this means in terms of resolutions and ordinances. Mr. Ferrell responded that he thought there was some inconsistency with this rule because the rule applies only to a proposed ordinance but the heading says it applies to the introductions of ordinances, resolutions and orders and suggested that the heading says Introduction of Ordinances and delete resolutions and orders.

Commissioner S. Carter stated “But we do have a separate policy regarding certain types of resolutions and proclamations.” Mr. Ferrell responded that he thought there was a policy on the timing of resolutions and proclamations but that is different from what is in the rules of procedure.

Commissioner Hall asked if it was the consensus of the Board to change Rule 25 to say Introduction of Ordinances. Commissioner S. Carter responded “Yes.” Mr. Ferrell responded that he thought this was important because in Rule 26 which has a limitation on approval on first introductions on certain ordinances and this comes directly from statute.

Commissioner Hall continued Rule 26. Adoption, Amendment, or Repeal of Ordinance; Rule 27. Consideration of Unbudgeted Expenditures; Rule 28. Quorum.

Commissioner Oestreicher stated that he had a question on the last sentence of Rule 28. Quorum. ‘The Board may compel the attendance of an absent member by ordering the Sheriff to take the member into custody.’ Mr. Ferrell responded that this was from general statute and it contemplates the situation where the will of the Board or a majority of the Board can do this is certain members just don’t show up for meetings to have a quorum so business cannot be conducted. Commissioner Hall stated that about 2 years ago in the mid-west many members of the board left the state so the sheriff could not go get them.

Commissioner W. Carter stated that several years back members got made and left the meeting. Mr. Ferrell responded that if a member walks out his or her vote is counted in the affirmative.

Commissioner Oestreicher asked for a definition of absence and asked if there was such a thing as being excused. Mr. Ferrell responded that there is such a thing as an excused absence, the member notifies the Chair in advance and rules distinguish between excused and unexcused absences.

Commissioner S. Carter asked “The last two points that you just described like excused absences or whatever is that in statute or is that have to be in something like this?” Mr. Ferrell responded that it was not in the suggested rule but out of professional courtesy if a member is going to be out he or she should contact the Chair.

Commissioner Hall stated that this Board has not had a problem with this and he did not think the Board should overreact and added that he has been on the Board for several years and the sheriff has never been asked to go and get anyone. Commissioner Oestreicher responded that he just thought since the Board was going over the rules he thought this should be clarified. Commissioner Hall stated that he is of the opinion that everything does not need clarifying because everything cannot be put into rules and added that most of this is based on personal ethics. He stated that it would take four members to not be present to have to go to this measure.

Commissioner S. Carter stated “Another question regarding, I guess this is in relationship to Rule 22. Duty to Vote. Another situation that you described Mr. Ferrell about if someone gets up and leaves during the middle of a meeting in protest their votes are counted as yeas.” Mr. Ferrell responded that Rule 28 stated ‘If a member has withdrawn from a meeting without being excused by majority vote of the remaining members present, he or she shall be counted as present for the purposes of determining whether a quorum is present.” Commissioner S. Carter continued “Is that in the statutes?” Mr. Ferrell responded that the city statute specifically provides that a no vote is yes but the Board does not have it in their rule. Commissioner S. Carter stated “You will have to check the statute.” Mr. Ferrell responded that the statute would have to be checked. The clerk stated that this is not in the statutes so the Board would have to determine that. Mr. Ferrell responded that he would look at the statute and bring something back to the Board. Commissioner Oestreicher stated that he thinks this is in the Robert’s Rules of Order. Mr. Ferrell responded that for a board this size it is not practical to enforce Robert’s Rules of Order and the School of Government suggests that you strike that from the rules of procedure because Robert’s Rules do not apply well to a small board. Commissioner Hall stated that general statutes override Robert’s Rules and added that the fact that a board member needs to be excused means the Board needs to look at the statutes.

Commissioner Hall continued with Rule 29. Public Hearing; Rule 30. Quorum at Public Hearings; Rule 31. Minutes; Rule 32. Appointments.

Commissioner S. Carter stated “In Rule 32 it mentioned roll call Mr. Bill Carter, I think that’s very interesting seeing as we are going to talk about that.” Commissioner W. Carter responded that this is the next item on the agenda. Commissioner S. Carter continued “Right, right. It is not mentioned anywhere else I don’t think about calling a roll.” Commissioner Hall responded “No.” Commissioner S. Carter stated “That’s interesting.”

Commissioner Hall continued with Rule 32. Appointments. Commissioner Hall stated that this is for appointments to this Board and to fill vacancies on other boards because this Board has the power of appointment.

Commissioner S. Carter stated “In the situation of a vacancy on this Board that’s not the procedure though.” Mr. Ferrell stated that the process of appointments is not a straight process. Commissioner S. Carter continued “Can you describe that to us?” Mr. Ferrell responded that he would have to look into it but he thought the Board would have to go to the Party chair and get a recommendation so he did think there was ultimately a vote from the Board but there is a procedure leading up to the vote. Commissioner S. Carter stated “Right. Well it says the following procedures so I don’t know if it should be in there or not.” Mr. Ferrell responded that there is a prescribed process for filling county vacancies and it could be referenced here. Commissioner S. Carter continued “The final vote is on us.” Mr. Ferrell responded that he could bring back to the Board the process for filling vacancies for the Board if the Board is interested. Commissioner Hall suggested that the county attorney do this for educational purposes.

Commissioner W. Carter asked if the Board could go back to Rule 29. Public Hearings. He added that he has been to other board meetings where the chair hits the gavel and enters into the public hearing. Commissioner W. Carter stated that he did not see where a motion and a second are necessary to go into a public hearing. Mr. Ferrell responded that the rule does not say that the Board has to do that but he thought the point of the motion was just to start the hearing and it helps the clerk to decide when the Board is in and out of the public hearing but the rule does not require the Board to have a vote.

Mr. Ferrell referenced Rule 29 where it says ‘shall be organized by a special order, adopted by a majority vote, setting forth the subject, date, place, and time of the hearing…’ He did not think the Board was that formal but it is on the agenda and recommended saying ‘Public hearings required by law or deemed advisable by the Board shall be organized by the clerk on the agenda’. Mr. Ferrell stated that he wanted to avoid a procedural defect. Commissioner W. Carter responded that the majority of the meetings he has attended were with the City of Danville and the mayor declared they were in public hearing. Mr. Ferrell stated that he is talking about what transpires before a public hearing and added that he would look into this more as well.

Commissioner S. Carter asked “And then per your previous comments about Robert’s Rules which were enlightening to me are we considering striking that? What is the authority, the state statutes?” Mr. Ferrell responded that the rules are in the state statutes and the chair can make procedural rulings about various things. He added that the few times that Robert’s Rules have been called upon caused some confusion because it is not a good fit.

Commissioner Oestreicher stated that the School of Government has a small version of Robert’s Rules of Order that they recommend it for county boards. Mr. Ferrell responded that he thinks that Commissioner Oestreicher is talking about the Suggested Rules of Procedure for the Board of Commissioners and added that he attended the County Attorneys Conference last week and Robert’s Rules of Order was brought up and there is no good way to apply Robert’s Rules to county government. Commissioner Oestreicher stated that this book was the one he was thinking about.

Commissioner Hall asked what the Board’s thoughts on Rule 33. Reference to Robert’s Rules of Order, leave it in or take it out. Chairman McVey responded to leave it in. Commissioner S. Carter asked “So are we adding that?” Commissioner Oestreicher responded that ‘shall refer’ is good enough.

Commissioner Hall stated that there had been some discussions about roll call. Commissioner W. Carter responded that this was next on the agenda.

Commissioner S. Carter stated “But in reference to these rules can I ask what the attorney thinks about Rule 32 relevant to the call of the roll in a situation like that versus adopting an overall policy on roll call policy or procedure?” Mr. Ferrell responded that he did not know why it was in this section but he did think it was important for the clerk to have an accurate tally of votes when votes are taken but he did not think there was a requirement that a roll call be done on every vote. Commissioner W. Carter stated that it is more professional if it is done this way. Mr. Ferrell responded that the Board can do this but the Board takes a lot of action during meetings so this will take some time.

Commissioner Oestreicher asked if this pertained to the appointments to boards and committees. Mr. Ferrell it could be for the clerk to get the votes right. Commissioner Oestreicher stated that if five people apply for 3 positions is it automatic that if someone approves the first three that the process is finished because to him it shortchanges the last two people. He added that he did not think this is fair consideration for the other applicants. Commissioner S. Carter responded “Now we have a provision in Rule 23 to vote by written ballot which may make it better.” Mr. Ferrell responded that the Board can do written ballot but it has to be signed by the member. He added that some jurisdiction do appointments by written ballot but all the ballots have to be disclosed. Commissioner Oestreicher asked if it would always be the first three to get approved. Mr. Ferrell responded no. Commissioner S. Carter responded “I made a motion that we appoint the first person, the third person, and the fifth person and then we vote on it and if it fails or whatever then someone else has another motion that is different and that is what happens sometimes but I agree with you in a sense it is kind of a flawed process.” Commissioner Oestreicher stated that he thinks it stinks. Commissioner Hall responded that it is not flawed if a Board member knows how he or she is going to vote for and calling a roll is not going to change the mind of that member.

Commissioner S. Carter stated “Whether or not it is necessary to keep it in Rule 32 the attorney is going to review all of that so I think we are done.”

ROLL CALL VOTING

Commissioner W. Carter stated that the roll call would be more professional because he has had some in the audience to tell him before that they did not know how the Board voted and it would also be better for the clerk so she could write it down. He added that in the past the clerk would have to get the Board to raise their hands to know the vote.

Commissioner S. Carter stated “Reflective of what I think I brought up when we were here the last time I am very interested to know whether or not this will be effective for the clerk’s duties and responsibilities, is it going to make things easier and I am curious if she has heard different, I mean, sorry, similar complaints about confusion on voting, would be a helpful suggestion.” The clerk responded that she would be good either way. Commissioner S. Carter continued “I know it will be up to the Board but I am very interested to know if you think it would be more effective that way or not?” The clerk responded that she would not know without trying it.

Commissioner W. Carter stated that he thought the Board should give it a try.

Commissioner S. Carter stated “Anything is worth trying first to see how it works for the audience more particularly than us.”

Commissioner Hall stated that the Board does a lot of motions and if the Board stops to do a roll call with everything on the agenda it will take longer to get through the meeting. He added that if there is a problem the clerk can request the Board members to raise their hand or the chairman can ask the members to raise their hand.

Commissioner S. Carter asked “Would it be easier instead of calling an individual roll for all of us for every motion for us to just raise our hands, yeas and nays raise your hands. No need to vocally say yea or nay, that would give them the visual and I am pretty sure Ms. Seamster…” Chairman McVey responded why not get a light that will light up when voting. Commissioner W. Carter stated that he was working on getting a timer at the podium and for the chair.

Commissioner W. Carter moved, seconded by Commissioner Oestreicher for the Board to try the roll call.

Commissioner S. Carter stated “Just a suggestion, the alternative being raising your hand versus taking up the time to call individual’s names.” Commissioner Oestreicher asked if this was a substantive motion. Commissioner S. Carter continued “This is just part of the discussion.”

Upon a vote of the motion, the motion failed by a vote of two to four with Commissioners S. Carter, Jefferies, Hall and McVey voting no.

COUNTY MANAGER’S UPDATES

Mr. Miller stated that he did not have any updates.

Commissioner S. Carter stated “Mr. Chairman I do have a question for the manager relative to what a lot of the citizens and the public comments portion discussed, just a clarification, where are we at in regards to us making a direction for the Planning Board with our EA and EIS, we did something recently to that effect but I wanted to clarify exactly what we did on the UDO amendment or consider the ordinance but I think we also talked about the EA and EIS.” Mr. Miller responded “I don’t think so.” Commissioner S. Carter continued “Okay.” Mr. Miller responded “For every project that we have outstanding that would require an EA or EIS we have requested that the company respond with an environmental assessment to that project along with all the required documentation for that project as one packet instead of piece mill here and there, this permit and that permit. That’s what we’ve done as far as the environmental assessment.” Commissioner S. Carter asked “So there is not a specific timeline per se?” Mr. Miller responded “I mean they can’t start until they comply with our requirements. Commissioner S. Carter continued “My opinion is, are they capable of completing those?” Mr. Miller asked “Completing what?” Commissioner S. Carter continued “Environmental assessment, environmental impact study.” Mr. Miller responded “Well they would, the company would be able to do that but they can’t start the business or start the development, they can’t finish the development process without submitting the environmental assessment.” Commissioner S. Carter stated “I know that, I just wondered if they are under any time restriction to submit those?” Mr. Miller responded “No they are not under any.” Commissioner S. Carter continued “So they are just going to continue to drag their feet and we still wait, we are at their mercy to submit something? That’s my concern, that’s where I am at.” Mr. Miller responded “Well we are not…we have requested that all permits and all documents be submitted in one packet so no permits or documents are being approved until all documents have been submitted so we are not doing anything until they submit an EA if that makes sense.”

COMMISSIONER COMMENTS

Commissioner Hall stated “At the first meeting in January we got our auditor’s report and I noticed that there was roughly a $57 million discrepancy in our tax levy form ’18 to ’19 so I asked I guess for a lack of a better word for the explanation. In the last week or so we got an explanation, that explanation was just not palatable to me for the number of dollars that we are talking about so what I am going to do now, I think for something of that size we need more of reconciliation than an explanation. Part of what I got from the explanation that we received is that the 2018 audit number was incorrect and that the 2019 number was okay. So now what I want to propose to this Board and I am going to propose it in a form of a motion that we get a reconciliation from the tax department of 2017 to 2018 since we were told the 2018 was wrong and then from 2018 to 2019 to account for that $57 million.”

Commissioner Oestreicher asked “Can I ask a question?” Chairman McVey responded “Yeah.” Commissioner Oestreicher continued “So basically what you are saying is that going from 2017 to 2019 that $57 million shouldn’t pop out as dramatically as it did, it shouldn’t pop out because the gap was between…’18 was an error and therefore ’19 is correct and I am just doing this for clarification I am not arguing with you, what I am saying is ’17 ought to be closer to ’19 than it was to ’18, is that right?” Commissioner Hall responded “Exactly but I want to see that as a record of reconciliation so if somebody will look at the numbers and say we were off $56 million and x number of dollars in 2018 because and then from 2018 to 2019 we are off x number of dollars because. Because I can tell you I looked at our statements and the numbers are not that close, there are discrepancies that are not accounted for.” Commissioner Oestreicher asked “How about between ’17 and ’19?” Commissioner Hall responded “I didn’t look at ’17.” Commissioner Oestreicher continued “I just wanted to make sure I was in sync with what you were thinking.” Commissioner Hall responded “I think that anything that impacts our financial statement and it’s that large the person or persons responsible for those figures should be able to reconcile them. Don’t just tell me well it’s because of this or this, show me.”

Commissioner Hall moved, seconded by Commissioner Oestreicher that the Board get a reconciliation from the tax department of 2017 to 2018 and then from 2018 to 2019 to account for the $57 million discrepancy.

Commissioner S. Carter asked “Just a clarification, is this for the next regular meeting that we are expecting this?” Commissioner Hall responded “My first reaction would be yes but to account for $57 million that hasn’t been accounted for since January 3rd it may take a little longer.” Commissioner S. Carter continued “His last quarterly report didn’t we have that last month and if not January, December?” The clerk responded January. Commissioner S. Carter stated “January, so would his next quarterly report be sufficient to know?” Commissioner Hall responded “Probably not because we are looking at year to year financial statements and part of my concern is that even the auditor’s didn’t flag it and I have a real problem with that.” Commissioner Oestreicher stated “That’s, that’s maybe even a bigger concern quite frankly.”

Commissioner S. Carter stated “I was just asking about the time frame.”

Chairman McVey asked if there was any more discussion on the floor.

Commissioner Oestreicher asked “What about the issue with the auditor, why that wasn’t caught there, do you want to roll that into that?” Commissioner Hall responded “Not right now because the explanation we got seems to be or it seems to me that it came from the auditors.” Commissioner Oestreicher continued “Oh, the auditor…the error was at the auditor level?” Commissioner Hall responded “No…” Commissioner S. Carter responded “They explained the error for the tax department.” Commissioner Oestreicher stated “Oh, okay. I just think we need to leave that open.” Commissioner Hall responded “Yes.” Commissioner Oestreicher stated “I have no further comments.”

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

Commissioner S. Carter stated “I have a statement I would like to read, the context is in relation to as some of you may know of personal attacks that have been against me and also members of my family so I want to for the sake of the minutes respond to those and bring those to light if you would please indulge me for 3 or 4 minutes.” Commissioner W. Carter asked “Speak into the microphone.” Commissioner S. Carter stated “I will. Over the course of the last few years, this Board and its individual members have been faced with an adversity of attempts to tear us down individually and collectively. When asked how we should best deal with not only everyday criticisms, but even worse, weekly slanderous attacks directed at our individual characters and even those of our family members, we were told it is best to ignore such behaviors and attacks. It is best to not acknowledge and therefore empower those that seek to tear you down. Such was my own course of action to take the “high road” so to speak, and to continue to fight and advocate for the citizens of Caswell County, nonetheless. I was comfortable ignoring these attacks until such included my own dear wife. We have been called every vile, wretched and crude name conceivable things so inappropriate, for the sake of future generations that might read these proceedings; I deem them not even worth the ink to paper. We must think beyond our own circumstances and think of the future, just as when we as elected representatives of all the people, think, speak and act, decency shall prevail. However, slanderous remarks such as these in the form of published libel, are so extraordinary and bizarre, they cannot be ignored. Citizens of this county have reached out to me from time to time, aware of what has occurred and what has been said, and asked, “Aren’t you all going to do anything about this?” Again, the best answer to the time would be to ignore such behaviors and carry on with the people’s business. It is perfectly acceptable to have our own political differences, and it is okay to make statements, encourage discussions and even participate in debate and argument for the sake of the greater good, but it is not acceptable whatsoever in any circumstance to involve or associate another’s family members in a political attack. It is always my duty as a husband to protect my family especially my wife. That duty rises above all things political. My wife is an employee of the Caswell County School System and interacts and serves young children daily. They know her and so do their parents, neighbors, teachers and school administrators. She has an outstanding reputation in the system and any political attack that includes her is not acceptable and will not be tolerated any further. Let this statement therefore serve as a direct message to those who contribute and give support to any media or social media outlet that continues to promote such inappropriate and negative behaviors in the form of slanderous attacks towards my family. What is taking place here is not improving or positively contributing to Caswell County and the function of its local government. As elected officials, these attacks do not prompt us to make the right decisions. They hold no influence. Only good can promote good. These attacks and behaviors rather, distract us from doing the work of the people of Caswell County. I wholeheartedly believe and uphold our rights of free speech and freedom of the press. The Constitution promotes peaceful assemblies and protests. But no one should uphold the freedom to slander another. We all have the rights to our opinions and the freedom to make them known to the world, but we should not use these freedoms to slander each other because of our differences. You have the freedom to attack me as an elected official, but you will no longer be afforded the privilege of attacking my wife and any other members of my family. Nor will I stand for the same to be done to any of my colleagues’ families. It’s simply not right. They lead their own lives, they have their own careers, and they have their own hopes, dreams, worries and fears. These behaviors have exhibited the very worst of human nature to attack those that they do not agree with, and this is something our families should never have to deal with. What disturbs me also, is that a lot of this activity has been initiated and supported by a sitting member of the Yanceyville Town Council. As elected officials, we should all work together. We should support each other regardless of political affiliations or differences of opinion. We on this board have had our differences. But none of us lays our head on our pillows at night with any malice towards each. We agree to disagree, shake hands, wish each other well and move on. That’s the right way to act. We have done great things together despite any of our differences. What we have accomplished together will stand the test of time. Our differences fade with each passing season. The people of Caswell County chose us as their elected representatives and it is our responsibility at all times to rise above the occasion, put our differences aside and work together towards the common good. That’s what makes our political process in this country so beautiful. Our diversity paired with our shared values binds us together. It is the spirit of compromise, the embracing of those differing opinions that has brought to pass so many great things in our county, state and national affairs. Considering what has taken place, where is that spirit if we do nothings but devise of ways to tear each other apart? I call upon each of us to rise above this occasion to love and serve one another. If these behaviors continue, or if my words tonight prove ineffective but rather as a cause of infuriation to retaliate against them, I fear for our county’s future and for the future of this nation. How will we ever accomplish anything good together, if these things continue? My faith teaches me to judge not lest I be judged and to do unto others as I would have others do unto me. I may not be my brother’s keeper, but I am my brother’s brother. You can’t exhibit kindness one moment and hatred the next. I know the people of Caswell County to be the very reflection of the best of human nature. They are kind, hardworking, fair, honest, decent, humble and genuine people. That’s why ten generations of my family have chosen to call Caswell County home. That’s why I choose it today. And that is why I will continue to love and serve my fellow citizens. We are all children of God, we are all family and neighbors of one another, and we are all citizens of this great county, state and nation. Whether we own property or rent property, whether we are educated or not, whether we work or beg, whether we are able or disabled, whether we are male or female, whether we are White, Black or Hispanic, whether we vote or not, whether we choose one party or choose no parties, no matter what we believe in or in whom we put our trust, no matter who or what we love, we are all in this together. Caswell County is our home and it is worth all our best efforts and the very best of our common humanity. Thank you for letting me read that.”

ANNOUNCEMENTS AND UPCOMING EVENTS

A. NCACC Spring District Meeting – Tuesday, March 24, 2020 @ 5:00 p.m. –

Alamance County Annex Building.

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

Concord Convention Center

Chairman McVey stated that the Zoning meeting will be at the Prospect Hill Fire Department on Tuesday, February 18, 2020 at 6:00 p.m. and at the Semora Fire Department on Thursday, February 20, 2020 at 6:00 p.m.

Commissioner S. Carter asked “Which location is Thursday night?” Mr. Miller responded “Semora Fire Department.”

ADJOURNMENT

At 9:40 p.m. Commissioner S. Carter moved, seconded by Commissioner Oestreicher to adjourn. The motion carried unanimously.

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Paula P. Seamster Rick McVey

Clerk to the Board Chairman

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