MINUTES – DECEMBER 7, 2020

The Caswell County Board of Commissioners met in regular session at 9:00 a.m. on Monday, December 7, 2020. The meeting was held electronically using Zoom Webinar software. Members present: David J. Owen, Chairman, Jeremiah Jefferies, Vice Chairman, William E. Carter, John D. Dickerson, Nathaniel Hall, Rick McVey, Steve Oestreicher. Also, present: Bryan Miller, County Manager, Brian Ferrell, County Attorney, and Debra Ferrell representing The Caswell Messenger. Paula P. Seamster, Clerk to the Board, recorded the minutes.

WELCOME

MOMENT OF SILENT PRAYER

Chairman McVey opened the meeting with a moment of Silent Prayer.

PLEDGE OF ALLEGIANCE

The Board of Commissioners and all the guests in the attendance recited the Pledge of Allegiance.

ACTION ITEMS

APPROVAL OF CONSENT AGENDA

Commissioner Carter moved, seconded by Commissioner Owen to approve the consent agenda.

After a roll call vote, the motion carried unanimously. (Commissioners Carter, Hall, Jefferies, McVey, Oestreicher, and Owen voted in favor.)

The following items were included on the Consent Agenda:

A. Approval of Minutes of November 16, 2020 Regular Meeting

B. Approval of Minutes of November 30, 2020 Special Meeting

SPECIAL ASSESSMENT ON SHADOW RIDGE ROAD – CLOSE OUT PUBLIC HEARING

Mr. Miller stated that the public hearing was left open for an additional 24 hours and no additional public comments were received, and he asked the Board to close out the public hearing.

Commissioner Owen moved, seconded by Commissioner Carter to close the public hearing on the Special Assessment on Shadow Ridge Road. After a roll call vote, the motion carried unanimously. (Commissioners Carter, Hall, Jefferies, McVey, Oestreicher, and Owen voted in favor.)

Mr. Ferrell stated that the next step in this process will be a final assessment resolution so the Board will see this back on the agenda as soon as the manager can get that. He added that this will be the official resolution to levy the assessment.

HIGH IMPACT DEVELOPMENT ORDINANCE – CLOSE OUT PUBLIC HEARING

Mr. Miller stated that the public hearing was left open for an additional 24 hours and received 64 additional public comments during the 24 hours period and 7 public comments after that period. He added that all these public comments were emailed out to the Board of Commissioners. Mr. Miller asked the Board to close out this public hearing.

Commissioner Owen moved, seconded by Commissioner Carter to close out the public hearing on the High Impact Development Ordinance. After a roll call vote, the motion carried unanimously. (Commissioners Carter, Hall, Jefferies, McVey, Oestreicher, and Owen voted in favor.)

NOTICE OF INTENT TO SELL COUNTY PROPERTY & INVITATION FOR UPSET BIDS

Mr. Miller informed the Board that no additional upset bids were received regarding the negotiated offer/upset bid process. He asked the Board to authorize him to move forward in the process to sell the property for $8,000 an acre which would be approximately $68,000 for 8½ acres at the Pelham Industrial Park.

Commissioner Carter moved, seconded by Commissioner Oestreicher to authorize the county manager to move forward with the sale of the property at the Pelham Industrial Park. After a roll call vote, the motion carried unanimously. (Commissioners Carter, Hall, Jefferies, McVey, Oestreicher, and Owen voted in favor.)

CALL TO ORDER OF ORGANIZATIONAL MEETING

Ms. Paula P. Seamster, Clerk to the Board, called to order the organizational meeting of the Caswell County Board of Commissioners. The clerk stated that Mr. John I. Satterfield, Clerk of Superior Court would administer the Oaths of Office to Mr. Rick McVey and Mr. Jeremiah Jefferies.

OATHS OF OFFICE

Mr. John I. Satterfield, Clerk of Superior Court, administered the following Oaths of Office for County Commissioner to Mr. Rick McVey and Mr. Jeremiah Jefferies.

NORTH CAROLINA

CASWELL COUNTY OATH OF

**COMMISSIONER OF CASWELL COUNTY**

I, **RICK MCVEY**,do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and I will faithfully discharge the duties of my office as Commissioner of Caswell County, so help me God.

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

**Rick McVey**

Subscribed and sworn to

before me this 7th day

of December 2020.

S/John I. Satterfield\_\_\_\_\_\_\_\_\_\_\_\_

John I. Satterfield

Clerk of Superior Court\_\_\_\_\_\_\_\_\_

Title

NORTH CAROLINA

CASWELL COUNTY OATH OF

**COMMISSIONER OF CASWELL COUNTY**

I, **JEREMIAH JEFFERIES**,do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and I will faithfully discharge the duties of my office as Commissioner of Caswell County, so help me God.

S/Jeremiah Jefferies \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Jeremiah Jefferies**

Subscribed and sworn to

before me this 7th day

of December 2020.

S/John I. Satterfield\_\_\_\_\_\_\_\_\_\_\_\_

John I. Satterfield

Clerk of Superior Court\_\_\_\_\_\_\_\_\_

Title

The clerk stated that Judge Erica Standfield Brandon, District Court Judge would administer the Oaths of Office to Mr. Nathaniel Hall and Mr. John D. Dickerson.

NORTH CAROLINA

CASWELL COUNTY OATH OF

**COMMISSIONER OF CASWELL COUNTY**

I, **NATHANIEL HALL**,do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and I will faithfully discharge the duties of my office as Commissioner of Caswell County, so help me God.

S/Nathaniel Hall \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Nathaniel Hall**

Subscribed and sworn to

before me this 7th day

of December 2020.

S/Erica Standfield Brandon\_\_\_\_\_\_

John I. Satterfield

District Court Judge \_\_\_\_\_\_\_\_\_

Title

NORTH CAROLINA

CASWELL COUNTY OATH OF

**COMMISSIONER OF CASWELL COUNTY**

I, **JOHN D. DICKERSON**,do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and I will faithfully discharge the duties of my office as Commissioner of Caswell County, so help me God.

S/John D. Dickerson \_\_\_\_\_\_\_\_\_\_\_\_\_\_

**John D. Dickerson**

Subscribed and sworn to

before me this 7th day

of December 2020.

S/Erica Standfield Brandon\_\_\_\_\_\_

John I. Satterfield

District Court Judge \_\_\_\_\_\_\_\_\_

Title

ORGANIZATION OF BOARD

Election of Chairman

The Clerk to the Board opened the floor for nominations for Chairman of the Caswell County Board of Commissioners.

Commissioner Carter moved, seconded by Commissioner McVey to nominate Commissioner Owen for Chairman of the Caswell County Board of Commissioners.

Commissioner Jefferies moved, seconded by Commissioner Carter to close all nominations for Chairman. After a roll call vote, the motion carried unanimously. (Commissioners Carter, Dickerson, Hall, Jefferies, McVey, Oestreicher, and Owen voted in favor.)

After a roll call vote on the motion to nominate Commissioner Owen for Chairman of the Caswell County Board of Commissioners, the motion carried unanimously. (Commissioners Carter, Dickerson, Hall, Jefferies, McVey, Oestreicher, and Owen voted in favor.)

Chairman Owen presided over the remainder of the meeting.

Elections of Vice Chairman

Chairman McVey opened the floor for nominations for Vice-Chairman of the Caswell County Board of Commissioners.

Commissioner McVey moved, seconded by Commissioner Carter to nominate Commissioner Jefferies as Vice Chairman.

Commissioner Carter moved, seconded by Commissioner McVey to close all nominations. After a roll call vote, the motion carried unanimously. (Commissioners Carter, Dickerson, Hall, Jefferies, McVey, Oestreicher, and Owen voted in favor.)

RECESS

The Board took a brief recess.

After a roll call vote on the motion to nominate Commissioner Jefferies for Vice Chairman of the Caswell County Board of Commissioners, the motion carried unanimously. (Commissioners Carter, Dickerson, Hall, Jefferies, McVey, Oestreicher, and Owen voted in favor.)

CALL TO ORDER NEW BOARD OF COMMISSIONERS

Chairman Owen welcomed Commissioner Dickerson to the Board.

Commissioner Jefferies stated that it has been a struggle this year, but he hoped the Board could move forward to get some things done.

PUBLIC COMMENTS

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

“Peter Christopher, 1181 Wilson Road, Hurdle Mills. Please VOTE YES on HIDO. Support HIDO without reductions of the setbacks, in fact, setbacks should be increased. Private property rights need protection through HIDO. Values decrease when polluters are nearby, and they bring few jobs while polluting the environment stifling clean industries development. Pass HIDO ASAP, January 6 is almost upon us. We want a good quality of life in a clean environment.”

“Richard Lonon, Prospect Hill area resident. Once it is gone it is GONE. Be foresighted in preserving Caswell County. Please enact a strong HIDO that will be a cornerstone for Caswell's peaceful, rural, agricultural future. Thank you!”

“My name is Pamela Trafford and my husband, and I bought 13 acres of land in Caswell County. We’re planning to build a house and organic garden there. I am in support of the HIDO. I ask you to PLEASE vote to support the HIDO without reductions of the setbacks. The current land use numbers for minimum lot size, land use spacing, and operations setback are very reasonable and based on research. If anything, they should be more restrictive. How close do YOU want to be to toxic air and polluted water? My property is less than a mile from the proposed asphalt plant near Anderson. Not only do I not want to live that close to an asphalt plant for my own health, but my property will have no resale value because no one else will want to live there! Private property rights need to be protected by the HIDO. State and Federal agencies are run by people who live in other counties and don’t care if ours gets polluted. They’ll happily give permits to polluting industries as long as it’s not in THEIR backyards. My land will be worthless if an asphalt plant is built less than a mile away. Yes, people need jobs but they need clean air and clean water more. What good is a job when you die young of cancer? We want to attract low impact non-polluting industries. No one will want to live or work in a place they can’t breathe! I moved here from New Jersey to get away from pollution. Toxic air weakens the lungs and exacerbates health problems. With a pandemic like COVID more people will die if their lungs are already damaged by pollution. Do we want pot children and grandchildren poisoned by the air and water? I don’t! I want to grow organic produce and build a natural house to protect my health. Please vote to support the HIDO.”

“I write on behalf of the Blue Ridge Environmental Defense League and our members in Caswell County regarding the High Impact Development Ordinance now under consideration.  BREDL has worked for decades in many communities for the purposes of public health and environmental protection.  We advocate the right of local government to take action to protect its people.  And we uphold the principles of environmental justice. We support the HIDO.  North Carolina delegates this power to local governments. The placement of any of the Regulated Industries too close to Protected Facilities would constitute nuisance and trespass.  This is what the HIDO is designed to avoid.  The setbacks, spacing and screening in the HIDO are a conservative and fair means of ensuring a level playing field, a transparent process and healthy communities.  The EPA is no help. No one wants more state interference in local affairs. Can we allow toxic air and water pollution to invade our homes? Of course not. Private property rights need protected by local officials answerable to local people, not federal judges and state bureaucrats.  Protect our homes. Protect our families. Protect Caswell. We urge adoption of the High Impact Development Ordinance.”

“Diana Hersh, 292 Blake Drive, Hurdle Mills. Dear Caswell County Government Officials, Please, please keep our county healthy and a quiet rural place to live in. We don’t want polluters ruining our way of life…. We want to enjoy the outdoors and fresh air. We want jobs here, but we don’t want polluting industrial jobs. North Carolina State agencies are ready to approve polluting Caswell County. this will destroy our rural way of life and we will smell the polluters ruining our property. It is up to the COUNTIES to put land use in space to protect our citizens. I do not want a polluting industry near my home! Please ACT NOW to regulate Caswell County. It is vital that we do this now before the industrial noisy and dirty companies get permitted. Urgent! This is happening now. Thank you for your hard work to protect us from industrial polluters. We want to keep Caswell County a beautiful place to live.”

“Frankie & Lynn Pendergraft, 3131 Wrenn Road, Prospect Hill. It’s sad that we have to continually plead for protection for our community.  I assume that those who are in favor of making no “protections” live far away from Wrenn Rd & the threat we are fighting.  Please vote the HIDO in place WITHOUT REDUCTIONS OF THE SETBACKS - or make them larger to protect us from polluting companies who want to infringe on our rural area.  And who don’t mind at all polluting our land & air & water. The Moratorium expires Jan 6. - We need the HIDO passed as soon as possible! Anyone who thinks the government (State or Fed) is going to protect us is living in a fairy tale world. Please protect us.  We are innocent victims watching our own demise!”

“Lynden Harris, Prospect Hill. Please pass the most effective HIDO as quickly as possible. If the protections (setbacks, etc.) are too weak, they won’t actually offer protection! If anything, they should be made stronger. The citizens of Caswell deserve to have their property rights protected. And the county deserves protection, as well. A strong HIDO offers the best chance for Caswell to move into the future with a long-term vision for sustained, well-planned growth.  Industrial polluting companies are community and job killers. Just look around our state. These companies extract for their own profit and then abandon the county to clean up their mess. No one moves to or chooses to grow a small business near an industrial polluter whose only mission is their own profit, as they destroy the water, air, and environment with toxic chemicals and noise and light pollution. Allowing this kind of development is a terrible long-term growth strategy. Again, there is clear research and data on all of this. And plenty of examples already in NC of how these companies kill rural economies and ways of life. As far as the state regulations, many are decades out of date. These regulations offer almost no local protection. It is up to us, the people who live and serve in Caswell, to protect its future for our children and grandchildren. Thank you for your service to the people of Caswell and North Carolina.”

“Tim and Belinda Layne, 1540 Highway 49N. Prospect Hill. Please vote for the HIDO without reductions of setbacks.  Actually, they need to be increased but if you cannot see your way clear to that, don't cause a reduction.  How close do you want to be to a quarry or asphalt plant?  Our property values will go down if the polluting industries are allowed into our neighborhoods and we ask that we be protected by our local government.  When we chose Caswell County to live in 9 years ago, we did so with the knowledge that the air and water were clean and healthy. The moratorium in place until January 6 so we need replacement asap. There are many reasons to halt these industries from becoming our neighbors but first and foremost is the health and welfare of Caswell residents. Thank you for all you do to keep us safe and well.”

“Caroline T. Oakley, 1196 Highway US 158W, Yanceyville. With the moratorium expiring in a few weeks we urgently need you to pass the High Impact Development Ordinance. My home is very close to three properties which are 150, 69 and 99 acres. Two of these properties are totally undeveloped, outside of Yanceyville zoning and are of the size that surpass the minimum lot sizes for Class III and IV industries defined in the HIDO. I would be devastated if one of the polluting industries were to locate on one of these properties. We need the maximum land use spacing and operation setbacks possible and I would like to see even larger spacing and setbacks than or currently drafted. Please protect my quality of life, health and property value by passing the HIDO as soon as possible.”

“This is Sylvia and Homer Saunders from the Anderson community.  We are asking that you please pass the HIDO without reductions of the setbacks.  They actually need to be increased.  We don't believe that anyone would want to live near toxic air or water pollution.  Also, with the Moratorium expiring on Jan 6, the HIDO needs to be passed ASAP.   As always, thanks so much for serving the people of this county.”

“Scott Oakley, 1425 Baynes Road. The HIDO will NOT kill jobs for Caswell County. As you know, the HIDO does NOT regulate agriculture, retail, banking, distribution/logistics, or non-polluting manufacturing. The HIDO only addresses "high impact industry". Some are confusing the HIDO with Zoning but as you know the HIDO is NOT zoning. We are already witnessing the growth of new business in Caswell Co with numerous retail stores and a new distribution warehouse just announced. Having a well-designed HIDO and appropriate operation setbacks actually protects jobs by keeping the high impact industries from becoming a nuisance for other businesses. The HIDO does not and cannot prohibit any industry, including polluting industry and from locating in Caswell Co. However, it does give us some protection from having High Impact Industries locate too close to our homes, schools, churches, and other Protected Facilities. This is the protection we need for our health, property value and quality of life. No one wants a High Polluting Industries such as chemical manufacturing, medical waste incinerator, paper mill, asphalt plant, landfill, quarry, mine, coal ash or nuclear waste storage near their home or protected facility. In the HIDO these are all Class III and IV industries that need appropriate setbacks and screening. As you know, we currently have NO protection from these industries and therefore we have no protection from toxic air pollution, surface water contamination, or contamination or even destruction of our critical groundwater wells. The State gives the Counties the authority to put land use ordinances in place to protect the citizens. Land Use Spacing of 1500 ft for Class III and 1800 ft for Class IV is NOT excessive and it is the opinion of many citizens in the County that I have talked to that these numbers need to be increased. The State and Federal agencies such as NCDEQ and EPA are no help when it comes to where these industries can be located. It is in your hands to protect all the citizens of Caswell Co (informed, non-informed and misinformed) from high impact industries. On a separate topic, appointments to Boards is also on the agenda today. As you consider appointments, it should be noted that under the HIDO draft it will be the responsibility of the Planning Board to approve or deny "Intent to Construct" permits. Variances and Appeals would be reviewed by the Board of Adjustments. It would be a conflict of interest for an individual to serve on both the Planning Board and Board of Adjustments. You would not want an "Intent to Construct" permit to be denied by the Planning Board and then have an appeal reviewed by the Board of Adjustments who have some of the same members of the Planning Board. That is a clear conflict of interest.”

“Earl Wrenn, 2927 Egypt Road. I am in support of the HIDO. I ask for your vote to support the HIDO without reductions of the setbacks. If anything, make them larger. How close do you want to be to toxic air and polluted water? Private property rights need to be protected through the HIDO. State and Federal agencies are not going to protect us. They are in place to give permits to polluting industries. Protect our Property values. Property values decrease near polluting industries. That’s common sense. Property rights and property values need to be protected by local government officials. What about our only source of water in Prospect Hill, our wells? Will our local leaders help us if our wells dry up or become polluted? Polluting industries are job killers.  No one seriously wants to be near toxic air and water pollution. What industries do you want in Caswell for your children and grandchildren? Some like Caswell just the way it is! If we wanted to live in a city, we had that choice. I for one feel blessed to live in Prospect Hill. Don't let greed come in and tear our little Prospect Hill up!!The Moratorium expires Jan 6. We need the HIDO passed!”

“Richard Long, 12671 NC Highway 62, Burlington, Caswell County. I strongly support the HIDO!  I hope you will vote to support the HIDO "without reductions of the setbacks".  Land use spacing and operation setbacks need to be INCREASED. I think they should be made larger if anything. I want my private property rights protected. I live really close to the proposed sight and have worked hard for my property.  I don't want to lose thousands of dollars on my property value.  We don't mind low impact businesses, that are non-pollutant and non-toxic. I have a family member that a pollutant industry could cause them their life!  Would you want this for your children or grandchildren? The people of Caswell County voted you commissioners in recently. So please vote with us, in support of the HIDO. Thank you and GOD BLESS.”

“My name is Mark Langan and I live at 1077 Wilson Road, Hurdle Mills, NC 27541. Thank you for taking the time to consider my public comment. The HIDO will provide protection where the state cannot. Without the HIDO, the county is defenseless against how close a quarry can be to a home, church, or other protected businesses. In fact, I feel that the land use spacing and operation setback values should be increased to more than what is written in this HIDO to protect parents with their children at play, churches with their worshipers praying, hunters in their blinds, local businesses present and future, farms with their animals, and schools with their teachers and students. With the Moratorium about to expire, we need this HIDO passed to keep high impact polluting industries from negatively affecting both the health and well-being of the citizens and property values. Keeping high impact polluting industries out of Caswell will positively affect job growth and encourage small businesses and light industry (all protected by the HIDO) to come to Caswell.”

“Rev. Bryon Shoffner, 150 Shoffners Loop, Burlington. I ask you commissioners to approve the HIDO as it is presented to you today. Protect the people and continue to add to the HIDO to protect the people even more.”

“Karen Tate Gray, 948 Union Ridge Road, Burlington, Anderson Community. I am in support of the HIDO as written and am asking that you support this by voting yes to implementation of the HIDO as written. The appointed committee that formulated the HIDO did much research and based their land use spacing numbers and setbacks on this research. Therefore, since based on research and the fact that it would protect citizens and landowners, setbacks should not be reduced. If anything, they should be increased to better protect citizens as industries come into our county. While the state can permit or deny permits to polluting industries in regard to emissions, it is the local government that can protect our private property rights. Do not let us down. I am a lifelong resident of the county and hope to spend my remaining years in Caswell. If industries come into our county, especially those falling into the polluting industry category, without the HIDO in place, I am concerned about the value of my property as it will be lower when in proximity to polluting industries. I am concerned what will be at my front or back door if the land around me is ever sold.  This HIDO will not prevent industry from coming into our county but will be a protection for residents and landowners should and industry want to build in their area. It is the county’s responsibility to protect taxpayers from industries/businesses that may negatively affect the land, the environment, the land values, and our health and well-being. The moratorium is expiring soon so this HIDO needs to be passed before it expires. Please pass this HIDO as written today. It is based on research. It is fair to citizens and to industry. Pass the HIDO today.  Thank you.”

“This is Jennifer and John Connor from the Anderson Community.  We are asking that you please pass the HIDO and increase the land use spacing and operations setbacks.  Who would really want to be near toxic air and polluted water?  State and Federal agencies are not going to protect us.  They actually give permits to polluting industries.  Therefore, our private property rights need to be protected through HIDO.  The Moratorium expires on Jan 6 so please pass the HIDO ASAP.   As always, thanks for serving the people of this beautiful county.  Let’s keep it beautiful!”

“My name is Heather Langan and I live at 1077 Wilson Road, Hurdle Mills, NC 27541. Thank you for taking the time to consider my public comment. Imagine a polluting, heavy industrial operation just down the road from your home, church, or workplace. Imagine breathing air filled with toxic fumes and cancer-causing microscopic dust. Imagine your well water being drained away or poisoned by that operation and having no legal recourse. Imagine a Caswell County in which property values plummet, where wildlife dies off. A Caswell County where new, low-impact businesses don't want to locate, thereby reducing job growth and limiting the kind of healthy development we want.  In a county with inadequate rules to regulate the operation of industrial polluters, those disturbing imaginings will become reality. Current proposed land use numbers for minimum lot size, land use spacing, and operations setback are very reasonable and founded on research. State and federal regulations will not provide adequate safeguards against heavy industrial industries which seek only to make money. With the moratorium about to expire, we desperately need the HIDO (with setbacks maintained or increased, NOT reduced) to protect us. Please pass the HIDO to ensure the safety, health and growth of beautiful Caswell County.”

“Anita Foust, 2501 Hughes Mill Road. East Flat Rock (Henderson County) North Carolina Residents Experiences Please follow the following link regarding John Mason of East Flatrock, NC (Henderson County) On How an Asphalt Plant Affects His Farm EVERY DAY: <https://www.youtube.com/watch?v=4Rmx6zYr79g> Setbacks, Night Work, and Accountability

John Mason experience with the smell and sound of the asphalt plant re-emphasizes that we need to have a large setback. He suggests that asphalt plants should be out in the middle of nowhere not where there are residences. Setbacks are needed to safeguard the health of humans and the environment. John says that there is a constant hum even when the plant is “off.” What stipulations are in the HIDO that will prevent noise pollution near residences in the HIDO?

What are the stipulations for running the polluting industry at night? Who, what employee position, in Caswell County Government, will hold the polluting industry accountable for violations of the HIDO? Please take into consideration all of my comments over time regarding the HIDO. You are the residents’ first line of protection from industrial fires, wells running dry, financial ruin due to the possible fire and water emergencies that may be created by these polluting industries, and other environmental injustices. Thank you for your consideration and caring actions.”

“My name is Patty Thompson of 13 Cross Creek Lane. My home is approximately 1200 ft to the property line of an undeveloped 201-acre tract of land. I am concerned and I will explain why. Interestingly enough this property is owned by the same company who is leasing the land for the proposed quarry in Prospect Hill. There is also a major creek between my property and the 201-acre tract of land. The current HIDO draft shows the minimum lot size of 50 acres for a Class III industry and 100 acres for a Class IV industry. This means any high impact and polluting industry could potentially locate on this 201-acre property. I am very concerned that in the future I could be in the same situation as the people near Wrenn Road in Prospect Hill. We need the HIDO passed as soon as possible, but I am concerned that the land use spacing, operation setback and minimum lot sizes are too small. Please increase the numbers in the land use spacing table. I would love to see Caswell Co grow and but growth from Asphalt plants and quarries are not the right solution. Over 50% of the land in Caswell Co is tracks of land greater than 100 acres, so many people in our county should also be concerned. It is the responsibility of our County Government and specifically the Board of Commissioners to protect the citizens from companies who generate and toxic air pollution, pollute our streams and damage the underground aquifers that my neighbors and I rely on for our water. Today we have no protection, and the Moratorium expires in a few weeks.”

“Mimi Logothetis, 9501 NC Highway 86N, Cedar Grove. I know you have a had a lot of interest in the HIDO as of late and am writing to ask you to support and pass the HIDO as a protection for Caswell County looking to future development. The moratorium against polluting industries expires Jan. 6 and I urge you to pass the HIDO before then, as we need protections from polluters who will poison our air, water, soil and lower property values significantly, it is obvious. I urge you to keep all setbacks as proposed or strengthen them, as willing, as poison knows no man-made bounds. Polluting industries offer no significant jobs to a county they wish to parasitize. They want to come in, at the cheapest price, set up shop and use up all valuable natural resources, without considering quality of life or sustainability for the surrounding community. Property values will decrease with heavy industry so close to agricultural and rural communities. Who wants to live next to an asphalt plant, cement plant or quarry? NOBODY. With automation, there are few jobs actually available, and at what cost, really, does one think that these jobs are actually beneficial? These industries and companies see the county, with no protections, as easy pickings. Why would we give up our valuable land rights and property values to these corporations who care nothing about us? DO NOT put faith in big federal government, or even the state to protect the environmental quality of our surroundings. The EPA has been essentially gutted recently and the NC DEQ is installed to promote industry, mining, development, etc. Only our local government can protect this county, with a strong HIDO, which does not prohibit industry, but regulates it and relegates it to a safe operating distance and level for our lives to continue uninterrupted and healthfully.”

“I’m Kristin Newnam and live in -the Anderson community.  I was born and raised in Caswell County and as an adult my husband and I have chosen to live and raise our children here.  Over the past year, the life my family and I enjoy in Caswell County has been threatened.  There is a very real danger that our risk for certain health issues, such as asthma, high blood pressure and even cancer will increase significantly due to polluting industries coming into the county.  These industries will also cause our property values and rights to decrease.  The areas surrounding Caswell County are growing exponentially.  Since Caswell does not have strong protection against polluting industries, companies have set their sights on our county, our home, to be the “staging area” for outside growth- i.e. the “dumping site” for unwanted industries.  We need a strong HIDO to protect ourselves.  We must have large setbacks.  Having a strong HIDO will not prevent industrial growth and development from coming into Caswell County, but will instead help to promote non-polluting industries that can provide economic growth.   I would like to thank the Board of County Commissioners for your support in adopting a HIDO.  I urge you to adopt the HIDO without any reductions.  If any changes are made, please increase the setbacks and land use spacing!  As local leaders, you are making decisions that will affect the future of every citizen in the county.  We cannot depend on state and federal regulations to give us adequate protection!”

“My name is Earnestine Hamlett and I reside in Caswell County.  I am part of a group of Concerned Citizens of Caswell County who have been petitioning for the relocation of the Confederate Statue over the last six months. I am writing you to acknowledge and thank you for your efforts this past Monday in conducting the special meeting to deal with the subject of relocating the monuments from the public square in Yanceyville.  It was a delight to see the unanimous decision to move this county forward in a positive light.  Ultimately, it is your decision, based on the underlying moral dynamics and the potential economic impact that will guide you to do the right thing. Again, we thank you for your efforts in addressing this matter.  We look forward eagerly to our being able to participate in the planning processes necessary to assure the successful implementation of this project.”

“My name is Evangeline Vinson Gaudette. I live at 441 Baynes Rd. Burlington NC 27217. I am asking that you pass the HIDO ASAP as the moratorium expires January 6th. I am requesting that you do not reduce setbacks. If anything, the setbacks should be larger. I respectfully disagree with those who feel that we need polluting industries as our next-door neighbors in order to create jobs. Many of us, including myself, either moved here or stayed here because of the clean air, water, and land. In a world so rapidly deteriorating due to the effects of climate change, we need to protect our immediate environment to the best of our ability. Preventing heavy polluting industries from coming in will allow for non-polluting, low impact industries to thrive in the future. I would also like to point out that state and federal agencies do not protect us. If they did, we wouldn’t be in this situation in the first place. Please help us protect our land, air, water, property rights, and our property values by voting “YES” to the HIDO. Thank you.”

“My name is Peter Yeganian, I live at 9501 NC Highway 86 N, Cedar Grove, NC 27231. I am writing today to ask that you pass and strongly support the HIDO as written, strengthened with increased setbacks, to protect Caswell County, and surrounding counties from polluting industry. I live in northern Orange County and can see the disaster that could be Caswell County without adequate protections from industry run amok. I ask that you consider the impending closing of the moratorium on polluting industries January 6 and pass the HIDO now, with the intent to strengthen property values and quality of life for all in surrounding communities and counties. As a carpenter, contractor, and builder of custom homes, I know firsthand that people do not want to live and invest in areas that are poisoned, or in impending zones of industry and waste. As a hunter and outdoorsman, I implore you to invest in the beauty and vast wildlife resources that Caswell County boasts. With hunting, fishing, land conservancy, water, and air for all to enjoy for generations to come, Caswell County has some of the richest natural resources left in our area. Invest in businesses that enhance the enjoyment of fresh air and the encouragement to be outdoors, eating fresh food, camping, to stay a while and eat and drink in Caswell, not gasp, and die in Caswell. The HIDO as written is very well researched and the setbacks and land use numbers are totally reasonable and should be respected. Do not reduce or restrict any setbacks due to pressure about supposed job loss or some sort of hopeful idea about regulation by outside state or federal agencies. We need to control and to protect our property values and quality of life locally, nobody will do that for us. We need to stand up to strangers who wish to take our health from us, in the midst of a global pandemic, that has proven that those who live in poor air quality, or those that are poor, with a lack of quality health care, suffer and die exponentially more than those in protected areas. Please help us by standing up, supporting the HIDO and saying NO to poisonous polluting industry.”

“Leslie and Mark Zimmerman, Leasburg. On today’s agenda is the task of appointing people to the Board of Adjustments and the Planning Board. These are not first come first serve choices. Your criteria should include the most able to make unbiased decisions as to what is best for the people and the county. The Board of Adjustments appointees will actually have more power than the any other people in Caswell County. Because of this importance, you should ensure you get the best applicants. Unfortunately, the publicity lacked visibly and ample time. No notice in the newspaper. Facebook only reaches those who have liked the page. That’s only 13% of County residents. To get the best people on the board you need to reach more citizens. Do more publicity and select from a larger group. With regard to the Planning Board, it’s great to see interest from new faces. We need new blood on the Planning Board. Appoint the fresh applicants.”

“My name is Vonda Oakley, 1425 Baynes Road. Today I have no protections from high impact and polluting industries locating very close to my home or neighbors.  You have told us the Environmental Section of the Code of Caswell needs to be repealed and the Unified Development Ordinance offers not protections. At this point we are dependent upon you passing the HIDO in the next few weeks before the Moratorium expires. I trust each of you have read the HIDO and understand the importance of strong land use spacing and operation setbacks. My home is near many large undeveloped tracks of land which could be purchased used for high impact industries. An 1800 ft land use spacing for a polluting Asphalt is insufficient to protect those who are down wind of such toxic fumes. I rely 100% on clean drinking water from my well. Is 1800 ft going to protect my well from the blasting from a nearby quarry that is constantly pumping water? Probably not. I call on the Board of Commissioners to make the land use spacing and operation setback the maximum that is legally possible. I live in Caswell County for the quality of life it provides, and we need you to pass the HIDO as soon as possible. Caswell Co is growing economically, and we need the HIDO to protect all the citizens of the County as that growth continues bringing good jobs to Caswell and not polluting jobs.”

“Gay Pleasant, 1268 Painter Road, Prospect Hill. Caswell County's current lack of zoning and environmental protections makes us a tempting target for the kind of industry that will PREVENT truly good growth and development. Those of us in Prospect Hill know all too well how easily our futures and our right to peaceful enjoyment of our property can be endangered by outside forces looking to make a quick buck. Until the day comes that Caswell residents finally have the protection of sensible zoning regulations, the HIDO will put a measure of protection in place. The HIDO committee has worked diligently to put together a reasonable, well thought plan.   Please approve their plan "as written", without reductions in setbacks, and show the people of Caswell that we have a place worth protecting.”

“My name is Kim Merritt and I live in the Anderson community on Vinson Rd and 8/10ths of a mile from the proposed site of the Hwy 62 toxic asphalt plant. I am asking you to PLEASE pass the HIDO, WITHOUT REDUCTIONS TO THE SETBACKS. Please pass the HIDO to PROTECT ALL THE CITIZENS OF CASWELL COUNTY FROM TOXIC INDUSTRIES BEING ALLOWED TO MOVE INTO THIS COUNTY. I am very concerned about the toxic air emissions from this proposed plant, the repercussions on the health of people that will possibly live around it, repercussions on our natural resources and wildlife, water table contamination, property values going down and the increase in noise and commercial trucks on our roads constantly. If this plant is allowed to move into this community, numerous studies show that everyone in this community will be at a very high risk of having their health put in jeopardy. Would you want yourself, your children and or your grandchildren's health being put at risk and being forever changed by the effects of a toxic plant moving into your community that you already lived in? I ask that you please put yourself in our place...would you really want this type of industry moving in near each and every one of your families? When I chose to live here and build my home on generational land, I would have never done so, knowing that one day, I would have the possibility of having an asphalt plant as my neighbor. And truth be told, I really don't think anyone would if they had a choice. Who would choose to live nearby such a toxic industry and endanger their family's health? What is being thrown in our laps in this community is wrong and our right to breath clean air, have clean water, protect our families and our private property rights are in jeopardy if the HIDO is not passed. State and Federal agencies are not going to protect us from these types of industries. Only the you, the Caswell County Board of Commissioner's can protect the citizens of Caswell and the HIDO is our last chance to protect Caswell County from polluting industries trying to come into our beautiful county and destroy it with irreparable damage and then move on after the damage is done. The HIDO does not stop the safer industries from coming in and providing jobs for the county. It will, however, stop the industries that will put the health and well-being of the citizens of this county at risk. The HIDO has been presented to help protect all the citizens of this county, not to hurt them. I again respectfully ask, that you PLEASE pass the HIDO WITHOUT REDUCTIONS TO THE SETBACKS, to not only protect our community, but the health and well-being of every single person that calls Caswell County home.”

“My name is Sharon Willis Hickman, and I am a resident of Caswell County. I am writing this letter to thank you for taking on this important major task of moving the Confederate statue and the other monuments. While I do understand that this process is very involved and will not be accomplished overnight, it's been a long time coming. Please continue to move forward on this and allow our county to grow and be the best for all of its citizens. Thank you for this opportunity to offer my thoughts and opinions.”

“Phil Barfield.  910 Melvin Wrenn Road, Yanceyville.  I am providing my comments this morning on agenda item 5 – High Impact Development Ordinance. Contrary to some opinions, the HIDO does not prevent businesses with jobs from coming into our county.  The HIDO ensures that a few industries are properly placed on properties that are better suited for their type of activity while protecting surrounding communities.  Caswell County will lose more businesses, jobs, and residents than we will gain if we continue to let a few polluting industries build and operate without minimum lot sizes, land use spacings, and operations setbacks.  The county's GIS shows thousands of parcels 10 to 50 acres in size that are not owned by the government or utilities; hundreds that are 50 to 100 acres; and hundreds that are greater than 100 acres.  So, there are more than ample potential locations in our county for these businesses. The categories listed in the HIDO encompass only a small fraction of businesses in North Carolina and the United States.  The HIDO does not apply to agricultural farming operations and to many retail, assembly, manufacturing, research, construction, and distribution businesses.  Non-polluting businesses with jobs are the ones we should be attracting to Caswell County like the recent furniture manufacturer with 50 jobs and not polluting businesses that drive people and other businesses away.  The HIDO is not zoning.  It is no more zoning than other Caswell County ordinances already in place.  These ordinances are there to protect us, our neighbors, and our environment.  The HIDO provides another layer of protection against a few businesses that can impact our way of life and do us harm. If you do not approve the HIDO with the proper setbacks, lot size, and spacings, citizens who will be affected by a polluting neighbor in the future will be coming before you asking what you can do for them and why hasn't anything been done in the past to prevent this? - as we are doing again now.  This time, please take action to pass a strong HIDO and protect Caswell before the moratorium expires.” 

“Dr. Martinelli. WE DON'T WANT A POLLUTING BUSINESS AS OUR NEIGHBOR'S. WE DONT WANT "SETBACKS" THAT ENABLE COMPANIES TO PUT THEIR PROFIT BEFORE OUR COMMUNITIES HEALTH…COMMISSIONERS, YOU ARE BEING ADVISED TO STOP THEM.WE DONT WANT TO BE LIVING ANY WHERE NEAR DEADLY TOXIC AIR THAT WILL GIVE US THE KISS OF DEATH, COMMISSIONERS, STOP THEM! COMMISSIONERS, DO YOUR JOB AND WORK TO BETTER OUR COMMUNITY. VOTE IN SUPPORT OF HIDO, WE ARE WATCHING, DO YOUR JOB!”

“Beverly Hughes. I want clean air for my child and grandchildren. So, they can play outside. Want have to worry. I have clean drinking water. That company not good for Caswell County please keep them out.”

“Bruce Pleasant, 1268 Painter Road, Prospect Hill. I grew up in Caswell and have spent the past 17 years working to assist businesses, including high impact industries, create and save jobs in rural counties across our state. Our county is an easy target for polluting industries because we have practically no protection against high impact industrial development. The HIDO as proposed does not go far enough to adequately contain or minimize the polluting impacts of heavy industrial development. Setbacks and spacing as proposed should be the absolute minimum requirements we should accept to prevent the undesired and health-threatening impacts of heavy industrial operations from spilling onto neighboring properties and into our communities. Good jobs are created through thoughtful planning and policies that protect our environment and business investments. Without the proposed minimal protections in place, we will likely never realize the positive economic development we can have in Caswell County. The HIDO as proposed will not prohibit polluting industries from locating in the county but it would at least be a positive step toward responsible economic development. I urge the Board of Commissioners to vote for the HIDO with the proposed or increased setback and spacing requirements. Please do what is right for Caswell County. Thank you for your time and attention to this very serious matter.”

“Xavier Monks-Corrigan. A quick note to again express my support of the HIDO! It's so important to keep our county a healthy and safe place to live.”

RECOGNITIONS

Commissioner Carter recognized the healthcare workers in the county for the tremendous job they are doing. He recognized the individuals and groups that put up all the Christmas decorations around the Square. Commissioner Carter stated that he had a lot of good comments about the decorations. He also recognized the Maintenance Department for putting the new acorn lights up in front of the courthouse and DSS building.

Commissioner Owen reiterated those as well. He also recognized the Economic Development Commission, Economic Director and Staff for the work done over the last couple of years and the county is beginning to see how this work has paid off.

Commissioner Oestreicher reiterated the comments about Economic Development and the Project Day revitalization announcement of the Riverside Furniture Company coming to the county which will bring 50 new jobs.

APPROVAL OF AGENDA

Commissioner Hall stated that under the Discussion Items he asked to add an item of a possible meeting with the School Board to discuss the Pandemic. Chairman Owen responded that this item will be place at Item 21 and Item 21 will be moved to Item 22.

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

APPROVAL OF BONDS FOR PUBLIC OFFICIALS.

Commissioner Carter moved, seconded by Commissioner McVey to approve the following Bonds for Public Officials. After a roll call vote, the motion carried unanimously. (Commissioners Carter, Dickerson, Hall, Jefferies, McVey, Oestreicher, and Owen voted in favor.)

Register of Deeds $ 25,000

Tax/Delinquent Tax Collector $ 75,000

Sheriff $ 25,000

Finance Officer $100,000

BOARD OF COMMISSIONERS 2021 MEETING DATES

Monday, January 4, 2021

Tuesday, January 19, 2021 (Holiday)

Monday, February 1, 2021

Monday, February 15, 2021

Monday, March 1, 2021

Monday, March 15, 2021

Monday, April 5, 2021

Monday, April 19, 2021

Monday, May 3, 2021

Monday, May 17, 2021

Monday, June 7, 2021

Monday, June 21, 2021

Tuesday, July 6, 2021 (Holiday)

Monday, July 19, 2021

Monday, August 2, 2021

Monday, August 16, 2021

Tuesday, September 7, 2021 (Holiday)

Monday, September 20, 2021

Monday, October 4, 2021

Monday, October 18, 2021

Monday, November 1, 2021

Monday, November 15, 2021

Monday, December 6, 2021

Monday, December 20, 2021

Commissioner Oestreicher moved, seconded by Commissioner McVey to approve the Board of Commissioners 2021 Meeting Dates. After a roll call vote, the motion carried unanimously. (Commissioners Carter, Dickerson, Hall, Jefferies, McVey, Oestreicher, and Owen voted in favor.)

APPROVAL OF RULES OF PROCEDURE

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

APPOINTMENTS TO BOARDS AND COMMITTEES

Board of Adjustment

Chairman Owen stated that before any nominations for Boards and Committees could be made he had a few things to say. He stated that there had been a couple of items that had risen that he wanted to share with the Board and that the Board would need to make a decision on the items. Chairman Owen stated that there was an issue with advertisement in the Caswell Messenger. Chairman Owen asked the clerk to go over the process for the advertisement of the Board of Adjustment as it has transpired so far. The clerk responded that the Board discuss making the Board of Adjustment a separate board in July of this year. She added that it was advertised in the newspaper, on Facebook, and send out via various emails in July and a few applications were received. The clerk stated that the Board of Adjustment had been discussed at several Board meetings. She added that while she was out on leave it was discussed again that the Board of Adjustment appointment was going to be on the agenda for November 16th. The clerk stated that during the November 16th it was brought up by a commissioner that the Board of Adjustment was not on the agenda and she informed the Board that she had advertised these vacancies with the Caswell Messenger on November 4th and that the county usually gives a one month notice to receive applications. She stated that this information was put on Facebook again, all county employees, Caswell Messenger as well as discussed at several Board meetings. The clerk stated that after the closing date of Wednesday, November 25th the county received 2 more Board of Adjustment applications on Thursday or Friday of last week. She stated that she had forwarded those two applications to the Board since it would be the decision of the Board as to whether to accept these two applications as possible appointees. Chairman Owen stated that when the county advertises in the Caswell Messenger the county does not pay for this advertisement so whether or not the newspaper puts it in there or not is up to the newspaper but generally they do. He added that these vacancies were discussed on other agendas and the two applications were received late for the deadline and late to get in the agenda so the Board needed to make the decision on whether to accept these applications or not.

Commissioner Hall stated that for him more importantly than the timing of the application was the fact that the Board of Adjustment would be a quasi-judicial board and the Board of Adjustment would require special training. He added that he thought that all the applicants should be made aware that special training was required, and the Board must be able to confirm when this special training had been completed. Commissioner Hall stated that the Board had also committed to diversity on the boards and committees and this needed to be considered as well. He stated that he did not have a problem with considering all the applicants, but he did think the applicants should know what was involved with this proposed board because it was new board for the county. Chairman Owen agreed and added that after researching this and talking with the county manager that this training would be a minimum of 4 hours. He asked if the Board would like to postpone the appointments to this board until notifications have been received from the applicants that they were willing to take this training. Commissioner Hall stated that he thought this would be appropriate since it was not advertised that training was required. Commissioner Owen responded that the training was talked about during the Board meeting, but it was not put into the advertisement. Commissioner Hall stated that this board would be quasi-judicial, and it would not be like any other board that the Board appoints to.

Commissioner Oestreicher agreed with postponing the appointments to the Board of Adjustment until the applicants can be notified that training is required and that it would be a minimum of 4 hours. He added that the Board received an email about the inappropriateness of having members sitting as both the Planning Board and the Board of Adjustment due to a conflict of interest and this needed to be made very clear to the applicants as well. Commissioner Oestreicher pointed out in Rule 32 in the Rules of Procedure that nominations can be given from the floor by members of the Board and added that he would like to ensure that Mr. Chris Newnam and Mr. Phil Barfield would be included in the applicants for the Board of Adjustment.

Commissioner Dickerson stated that if the last two applicants would be allowed to be included and some of the applicants would be taken out of contention due to serving on the Planning Board he asked if other individuals would be allowed to apply. Chairman Owen responded that if the Board postpones the appointments to the Board of Adjustment it would open up the application process again if that was acceptable to the Board. Commissioner Dickerson agreed with this.

Chairman Owen asked the Board to consider postponing the appointments to the Board of Adjustment until the first meeting in January. He stated that training would not take place in December and he did not think the training was actually in place yet so this would allow staff to line up a suitable training module as well as find someone to do the training.

Commissioner Dickerson asked if a person was on the Planning Board and was also on the Board of Adjustment could this person recuse him or herself from the decision making process on the Board of Adjustment would this clear the way for that person to serve on both boards. Chairman Owen responded that an appeal would be done by the Planning Board so that would be a conflict of interest.

Mr. Ferrell stated that the best practice would be for the Board of Adjustment and Planning Board to be completely separate in order to avoid any inevitable conflict or the appearance of a conflict. He stated that a recusal was one way to avoid a direct conflict, but his recommendation would be to constitute the boards with separate individuals. Chairman Owen agreed and stated that if an individual that serves on the Planning Board wanted to resign that individual could do that and then apply for the Board of Adjustment.

Commissioner Jefferies stated that he thought a motion should be made to separate the Planning Board and the Board of Adjustment from having the same members due to a conflict of interest.

Commissioner Jefferies moved, seconded by Commissioner Carter to keep the Planning Board and the Board of Adjustment as two separate board with no overlapping membership. After a roll call vote, the motion carried. (Commissioners Carter, Dickerson, Hall, Jefferies, McVey, Oestreicher, and Owen voted in favor.)

Chairman Owen strongly encouraged the Board to postpone the Board of Adjustment appointments until January to give ample time to readvertise for new applicants and to give any Planning Board members who choose to resign from the Planning Board and apply for the Board of Adjustment. Commissioner Carter agreed.

Chairman Owen moved, seconded by Commissioner Carter to postpone the appointments to the Board of Adjustment until the Board’s January 4th meeting with advertising being done for applicants to apply. After a roll call vote, the motion carried. (Commissioners Carter, Dickerson, Hall, Jefferies, McVey, Oestreicher, and Owen voted in favor.)

Planning Board

Chairman Owen stated that he wanted to be open with the Board that there was an application that was received late on December 2nd for the Planning Board and he asked the county manager to explain what happened with this application.

Mr. Miller stated that the easiest way to explain what happened was there were technical difficulties in receiving the application due to him having a lot of trouble with his computer and voice mail which led to the application not being received in time.

Chairman Owen wanted everything to be open and honest and added that the application was received in time to get into the Board’s packet. He asked the Board if there was any issue with this late application.

Commissioner Carter asked if there were only 2 vacancies on this board. Chairman Owen responded that there were two vacancies and that four applications were received.

Commissioner Hall nominated Antonio Foster to serve on the Planning Board.

Chairman Owen stated that there would be one motion at a time. He stated that there had been a motion and asked for a second. Commissioner Oestreicher seconded.

Commissioner Hall moved, seconded by Commissioner Oestreicher to appoint Antonio Foster to the Planning Board. After a roll call vote, the motion carried by a vote of six to one. (Commissioners Carter, Hall, Jefferies, McVey, Oestreicher, and Owen voted in favor. Commissioner Dickerson voted against.)

Commissioner Oestreicher nominated Scott Oakley to the Planning Board. Commissioner Carter seconded the motion.

Commissioner Oestreicher moved, seconded by Commissioner Carter to appoint Scott Oakley to the Planning Board.

Commissioner Dickerson asked about the process of appointments since he was new. He stated that if a vote were taken on this gentleman then the last two applicants would not have an opportunity to be voted on. Commissioner Dickerson asked if these two would fill the vacancy or would nominations on the last two be allowed at this time. He wanted to know the process. Chairman Owen responded that the best process would be to vote and then vote on each one individually. Mr. Ferrell stated that since there were only two open seats and once those two seats were filled there would be no more open seats to vote on. He stated that with four applicants the first two candidates that receive a majority vote would be approved for the open seats. Mr. Ferrell stated that generally the way it works was the first two members that receive a majority vote would be appointed.

Chairman Owen stated that there was a motion and a second on the floor and unless there was a withdrawal of that motion there would be a vote on that motion.

Commissioner Dickerson asked what would happen with the other two gentlemen since there was no opportunity for him to nominate either one. Chairman Owen responded that no one nominated them. Commissioner Dickerson stated that this was what he was asking about, he would like to have a vote on one of the other two gentlemen.

Mr. Ferrell informed the Chairman that if the motion before the Board does not get a majority vote the seat would not be filled so there would be another opportunity to fill the vacant seat. Commissioner Dickerson responded that out of décor and respect and since he had not jumped in to nominate one of the other gentlemen because he was waiting to see how it would play out, and if the vote passed it would be too late for him to nominate someone else because both seats would be filled. Commissioner Dickerson asked what the fair way would be to handle these appointments. Mr. Ferrell responded that this was the way that the Board had generally progressed to fill vacancies. Commissioner Dickerson stated so it was first come, first serve but not a fair vote on all four candidates. Mr. Ferrell responded yes and due to it being only two seats there needed to be a nomination and a second. Commissioner Dickerson stated that he did not think this was being fair and rounded to the citizens of Caswell County that applied for this board and that the first to be nominated were appointed and the others were not. Mr. Ferrell responded that he understood the point, but it was the process that had been set up.

Chairman Owen stated that he understood what Commissioner Dickerson was saying. He added that if the commissioner that made the motion were willing to withdraw his motion then the nomination could be received on other individuals and those could be voted on. Commissioner Dickerson responded that he thought this would be the fair way to do this and then all four could be voted on and the two who had the most votes would fill the seats. He added that to disqualify two because they were not brought up before the others was not fair to the citizens of Caswell County.

Mr. Ferrell stated that he was not sure that he understood the alternate process that was outlined but if the Board would like to come up with a new process to make appointments the Board could do that. He added that some jurisdictions do some type of rank voting and that may be what was being suggested here but to date the process had been to take the list, make a motion on one or more of those individuals that were willing to serve, and move on that way. Mr. Ferrell stated that there were several ways to vote on these boards and committees and if the Board wanted to set up a different process it could.

Commissioner Dickerson asked if he could suggest listing the individuals that applied and take a vote on each of those and then the two that had the most votes at the end of the process would get the seats on the board. He added that this would be a fair way to handle this. Chairman Owen agreed that it would be a fair way of doing this but there was a motion and a second on the floor and unless the motion was withdrawn the Board had to proceed with the vote. Commissioner Oestreicher called to question. Chairman Owen stated to Commissioner Dickerson that this was an item that the Board could work on for the future. He added that generally the Board did not receive more applicants than there were vacancies.

After a roll call vote on the motion to appoint Scott Oakley to the Planning Board, the motion carried by a vote of six to one. (Commissioners Carter, Hall, Jefferies, McVey, Oestreicher, and Owen voted in favor. Commissioner Dickerson voted against.)

Workforce Development Board

Commissioner Hall moved, seconded by Commissioner Jefferies to appoint Nikki Turner to the Workforce Development Board. After a roll call vote, the motion carried. (Commissioners Carter, Dickerson, Hall, Jefferies, McVey, Oestreicher, and Owen voted in favor.)

NCACC VOTING DELEGATE DESIGNATION FOR 2021 LEGISLATIVE GOALS CONFERENCE – VIRTUAL JANUARY 14-15, 2021

Chairman Owen stated that he had been the delegate for the last 2 years and preferred for someone else to do it this year.

Commissioner Oestreicher volunteered to serve as the delegate. Chairman Owen asked if anyone else would be interested.

Commissioner Jefferies moved, seconded by Commissioner Carter to appoint Commissioner Oestreicher as the NCACC Voting Delegate for the 2021 Legislative Goals Conference. After a roll call vote, the motion carried. (Commissioners Carter, Dickerson, Hall, Jefferies, McVey, Oestreicher, and Owen voted in favor.)

Chairman Owen thanked Commissioner Oestreicher for volunteering to serve as the Delegate.

RECESS

The Board took a brief recess.

MORATORIUM EXTENSION

Mr. Ferrell stated that at the last meeting the Board asked him to research the possibility of extending the possible development moratorium in effect in Caswell County. He stated that on January 6, 2020 the Board of Commissioners enacted in establishing a one year moratorium on polluting industries within Caswell County, the year is coming to a close, and that moratorium is set to expire in early January. Mr. Ferrell stated that the relevant North Carolina General Statute 153A-340 allows for extensions or renewals of development moratoria in certain limited circumstances. He stated that the statute states ‘No moratorium may be subsequently renewed or extended for any additional period unless the county shall have taken all reasonable and feasible steps proposed to be taken by the county in its ordinance establishing the moratorium to address the problems or conditions leading to imposition of the moratorium and unless new facts and conditions warrant an extension’ and added that if the Board wants to move forward with this the Board would need to go through the same process that it originally did in January and that would be to adopt a new ordinance that includes a clear statement of the problems or conditions necessitating the moratorium, a clear statement of the development approvals subject to the moratorium, an express date for termination of the moratorium, and a clear statement of the actions, and the schedule for those actions, proposed to be taken by the county. Mr. Ferrell stated that there is a limited ability to extend if the county has taken all reasonable and feasible steps during the imposition of the moratorium and there have been new facts and conditions that warrant an extension. He stated that the Board would need to go back and look at the moratorium to see what the Board was going to do during the initial one year period as well as talk about what the Board was able to accomplish. Mr. Ferrell stated that there will need to be a new public hearing as part of the ordinance process, but it is possible under limited circumstances to extend the deadline of the moratorium.

Commissioner Oestreicher thanked Mr. Ferrell for his research. He stated that the main reason he inquired about an extension for the moratorium was the fact that due to COVID-19 the public informational sessions on zoning were not able to be conducted and countywide zoning was one of the remedies that was being investigated for the moratorium. Commissioner Oestreicher stated that a referendum on zoning was conducted and mixed results were received however if it was looked at by districts it would appear to him that more time was needed to investigate the new findings from the referendum and to work up more information on the zoning proposal that was put forth by some residents of the county.

Commissioner Carter asked Mr. Ferrell how long of an extension would the county be able to obtain. Mr. Ferrell responded that when the moratorium was originally investigated the one year was really outside the date of when it was recognized as a reasonable time frame and added that the statute does not give a hard and fast date but given the fact that the Board wants to move past the one year period the extension would need to be as limited period as possible to accomplish the goals that the Commissioner want to achieve during the continued moratorium.

Commissioner Oestreicher noted that the county was still faced with many of the same issues through the pandemic making it difficult to hold public meetings and it diminishes the effectiveness of a public hearing via Zoom. He added that a six-month extension may give the county the ability to hold some educational information sessions. Commissioner Oestreicher stated that he did not think the Board had done it duty to the citizens of the county by not achieving the original objective from the Board.

Chairman Owen stated that it seemed to him that the Board would be put into legal jeopardy to extend the moratorium by 6 months and he thought that 2 to 3 months would be better. Mr. Ferrell responded that his advice would be to keep it as short a duration as possible to accomplish the goals and the Board will need to figure out what those goals are to see if it is realistic to accomplish those goals in 2, 3 or 6 months. He encourage the Board to think through the timeline and added that enacting a zoning ordinance requires a certain timeline with a planning board review, a series of public hearings, prior to adoption so there is some lead time that needs to be considered in this process if the Board want to consider a zoning ordinance during the pendency of the moratorium. Mr. Ferrell stated that he could not tell the Board that 3 months is okay and that 6 months is too long but encourage the Board to use the most limited amount of time possible with the understanding that this creates an additional administrative burden.

Chairman Owen asked Mr. Ferrell what process needed to be followed to get this extension done quickly. Mr. Ferrell responded that if the Board has an interest in extending the moratorium it will need to be advertised because ordinance that extend more than 60 days requires 2 successive publications prior to the public hearing and recommended getting the notice in the newspaper this Wednesday and then again the following Wednesday to hold the public hearing at the next regular scheduled meeting on Monday, December 21st. He stated that the Board will hold the public hearing and can vote on the ordinance after the 24 hours wait period after the public hearing process which would be at the January 4th meeting which would be before the January 6th expiration date. Mr. Ferrell stated that he could draft a proposed ordinance for the Board’s consideration.

Commissioner Owen asked the Board if it wanted to extend the moratorium to give more time to work on zoning in the county.

Commissioner Hall asked if this meant the Board will not approve the HIDO. Chairman Owen responded no; his intent was for the HIDO will be on the next Board’s agenda for approval.

Chairman Owen stated that the Board will need to decide on how long of an extension the moratorium should be. Commissioner Carter responded that he agreed with Commissioner Oestreicher that it should be for at least 6 months. Mr. Ferrell stated that one way to proceed would be to entertain a motion to call a public hearing for the next Board meeting for the moratorium extension for up to 6 months and the clerk can get the public hearing noticed.

Commissioner Carter moved, seconded by Commissioner Jefferies to call a public hearing for the purpose of considering an ordinance to extend the moratorium for a period not to exceed 6 months. After a roll call vote, the motion carried. (Commissioners Carter, Dickerson, Hall, Jefferies, McVey, Oestreicher, and Owen voted in favor.)

Mr. Ferrell stated that he had a question come to him about conditional zoning and asked if the Board wanted to hear a little bit about conditional zoning. Chairman Owen asked him to proceed. Mr. Ferrell stated that conditional zoning is a tool that has been authorized by statute in the courts to provide a mechanism to impose some zoning regulations in a targeted way. He stated the way conditional zoning works is there are base levels of zoning districts and the permitted uses in those districts could be fairly limited subject to additional uses as approved by conditional zoning ordinance amendments that would require site specific development plans and the satisfaction of certain specific regulations targeted to the particular use.

Commissioner Oestreicher asked if there was a simplified outline that would be available to the Board. Mr. Ferrell responded that there are other jurisdictions who have imposed straightforward and simple zoning ordinances that include conditional zoning concepts and he suggested to have the planning director to look at jurisdictions in rural areas that have imposed this setup zoning district with conditional zoning. Commissioner Oestreicher agreed with Mr. Ferrell’s suggestion. He asked if there needed to be a motion to direct the county manager to have the planning director to do this. Mr. Miller responded that he would follow through on this.

COVID-19 UPDATE

Ms. Jennifer Eastwood, Health Director, stated that the COVID-19 case count is up to 888 with 62 individuals in isolation, 10 hospitalized and 2 are critical. She stated that there have been 2 additional deaths bringing the death count total for the county up to 8. Ms. Eastwood stated that the positivity rate is 10.8% and approximately 12,000 individuals have been tested since the beginning of the pandemic. She stated that the Health Department is gearing up for vaccines, but it is unclear what allocations the county will receive because the first vaccines will go to the hospital workers and then likely to long term care facilities. Ms. Eastwood stated that once the vaccines become available to the general population the first group to receive the vaccine will be the high-risk individuals such as those 65 and older and compromised with underlying health conditions. She stated that after the Thanksgiving holiday the numbers have grown and the hospitals in the state are becoming overwhelmed and this creates a problem because during the winter there is a need for a certain number of beds to care for people with the flu. Ms. Eastwood asked the public to continue to use the 3 Ws: wear your mask when you are around anyone who is not in your household, social distance by at least 6 feet apart, and wash your hands frequently.

Commissioner Oestreicher asked Ms. Eastwood if the county was prepared for the type of storage that the vaccines required. Ms. Eastwood responded that the vaccines will be shipped in a container that they will remain in until used. She stated that it will be stored in dry ice, so she has been working with companies to make sure that dry ice is available when needed. Ms. Eastwood stated that the ultra-cold PPE has been ordered that is needed to handle the vaccines and storage. She stated that the Health Department was able to get from Lab Corp a freezer that goes below 80 degrees below zero. Ms. Eastwood stated that Barry Lynch was able to get this for the Health Department, but she was not sure if it would be cold enough. She stated that everything will be sent with the vaccines to keep them cold and she added that they have been informed not to purchase ultra-cold storage. Commissioner Oestreicher thanked Ms. Eastwood for the update.

BOARDS AND COMMITTEES FOR COMMISSIONERS

Chairman Owen stated that the list was included in the agenda and added that he assumed that Commissioner Dickerson would be assigned to the Boards and Committees that are listed under Sterling Carter. He asked that this be put on the next agenda for Board approval but he wanted to give the Commissioners the opportunity to decide if they want to stay on the same boards and committees or to switch with other someone else. Chairman Owen stated that he wanted the assignments to be fair since some boards have quarterly meetings and some are monthly, and he did not want to overload some commissioners with monthly meetings.

Commissioner Dickerson asked Chairman Owen if he could meet with him after the meeting to discuss the Boards and Committees. Chairman Owen responded okay.

Commissioner Carter stated that he is having difficulty attending the Planning Board meeting which are on Tuesday and that is when his doctor appointments are normally and asked if someone else would take the Planning Board over. Commissioner Oestreicher volunteered to take the Planning Board. Chairman Owen stated that someone else may be interested in taking the Planning Board, but the Board will vote on the Boards and Committees at the next Board meeting.

SCHOOL BOARD MEETING ON THE PANDEMIC

Commissioner Hall stated that he was watching the news recently and a school system noted that they had a 300% increase in the number of students that received Fs due to going to school online. He stated that in the same school system there was a 50% increase in high schoolers receiving Fs so he asked if the Board could receive some statistics from the local school system to find out where the county’s students stand. Commissioner Hall stated that if there is a similar problem in the county’s school system, he would like to know what is being done to correct this situation.

Chairman Owen asked Commissioner Hall if he would like to schedule a meeting with the School Board or for the School Board to get the information to the Board. Commissioner Hall responded that the Board would need to see the information first. He added that he had questions as it related to virtual schooling and he was sure other commissioners had questions as well. Commissioner Hall stated that once the information is received the Board can decide if a meeting with the School Board is needed or not. Chairman Owen stated that the Board will direct the county manager to request this information from the superintendent and the School Board. He asked the commissioners to send any questions they may have as well for the School Board so that the county manager could send those questions at the same time, he is requesting this information. Chairman Owen stated that after receiving the information the Board can determine if it wants to meet with the School and added that after the first of the year there should be a meeting with the School Board as well as with the Towns.

Commissioner Oestreicher stated that he appreciated Commissioner Hall’s concern, but he wanted to make the question clear on what Commissioner Hall expected to have answered from the school system. Commissioner Hall stated the question is does the school system see an increase in the number of students failing their classes in high school, middle school, and elementary school. Commissioner Oestreicher asked if the school system could provide information on how the students were performing before COVID as compared to now. He wanted to know how the advancement was proceeding and how this was being measured.

COMMISSIONERS’ PLANNING WORK SESSION

Chairman Owen stated that every year the Commissioners have a planning work session in late January or early February and he asked the Commissioner to come back to the next Board meeting with dates that would be good to hold this work session as well as a list of topics that would like to be discussed.

Commissioner Oestreicher stated that in the past the Commissioners came up with a list of items that they wanted to be covered and he wanted to know if this was what Chairman Owen was speaking of. Chairman Owen responded yes. Commissioner Oestreicher stated that from these items the Board would come up with a list that would be worked on for the next year. Chairman Owen responded yes and added that he would review the previous year’s list to see where the Board stands on those items.

COUNTY MANAGER’S UPDATES

CARES Act Spending Summary

Mr. Miller stated that the CARES Act Spending Summary was emailed out to each individual Board member today and he added that he would forward this summary to the clerk as well to put up on the County website today or as soon as possible.

2021 Holiday Schedule

Mr. Miller stated that the Holiday Schedule follow the same schedule as the State of North Carolina, and he asked the Board to approve the 2021 Holiday Schedule. He stated that many of the jurisdictions are beginning to celebrate Juneteenth and this may be an item that the Board may want to consider at a future date or at the work session.

Commissioner Carter moved, seconded by Commissioner Oestreicher to approve the 2021 Holiday Schedule. After a roll call vote, the motion carried. (Commissioners Carter, Dickerson, Hall, Jefferies, McVey, Oestreicher, and Owen voted in favor.)

2021 HOLIDAY SCHEDULE

New Year’s Day Friday, January 1

Martin Luther King, Jr.’s Birthday Monday, January 18

Good Friday Friday, April 2

Memorial Day Monday, May 31

Independence Day Monday, July 5

Labor Day Monday, September 6

Veterans’ Day Thursday, November 11

Thanksgiving Thursday & Friday, November 25, 26

Christmas Thur, Fri, & Mon December 23, 24, 27

New Year’s Day (2022) Friday, December 31

Utility Assistance Program

Mr. Miller informed the Board about a Utilities Assistance Program that is being administered through The Caswell Fund from proceeds coming from Duke Energy and the Caswell County CARES Act money. He stated that anyone that is needing assistance with their telephone, electricity, rent, etc. should call the Senior Center or if they live in the Town of Milton they should call the Town of Milton for copies of those applications.

EMS Truck

Mr. Miller informed the Board that the 4th truck for EMS was put into service this morning, so he wished the crew well.

Riverside Furniture – Project Day

Mr. Miller reiterated the Governor’s announcement about Riverside Furniture previously known as Project Day coming to Caswell County. He added it is a $5.4 million investment , 50 jobs with an average salary of just over $39,000, and he commended the Economic Developer who did a lot of the leg work and administrative work to attract that company to Caswell County.

COMMISSIONER COMMENTS

Commissioner Carter stated that the Danville City Council passed the Casino to come to Danville and he was approached last week to see if Caswell was still looking into building a county airport. He stated that he talked with the county manager and economic developer about this and he knew that the Department of Aviation had investigated several sites for an airport. Commissioner Carter stated that he understood that the next step would be for an assessment study. He stated that the Danville airport cannot take the larger jets and that Caswell was looking into building a 7,000-foot runway. Commissioner Carter stated that this would be a plus for Caswell County and he did not want to see the ball dropped on this.

Commissioner Jefferies stated that about 2 months ago there was only about 3 individuals that were interested in the Board of Adjustment and he had made a comment that the Planning Board should sit as the Board of Adjustment but since this time more applications have been received and he wanted to make it clear that he only suggested this because applications were not coming in for this board.

Commissioner Oestreicher recommended that the Board hold two special meetings. He stated he proposed that the first meeting be held next Monday for the Board to sit as the Board to review, consider, and discuss everything received on the HIDO. Commissioner Oestreicher stated that the Board needed to get the HIDO in place before the expiration of the moratorium. Chairman Owen responded that his plan was to call a special meeting on December 14th at 9:00 a.m. to discuss the HIDO. He added that the Board has heard a lot of comments on the HIDO and mainly about concerns with the setbacks, land use spacing, etc. so he wanted the Board to discuss the HIDO. Commissioner Oestreicher thanked Chairman Owen and stated that he fully endorsed this.

Commissioner Oestreicher recommended that a second meeting be held immediately following the HIDO meeting to discuss district zoning and to also discuss conditional zoning. He stated that the Board needed to sit down and discuss the results of the referendum and where the Board planned to move forward with this information. Commissioner Oestreicher stated that he thought this would be part of the extension of the moratorium. Chairman Owen asked if this would be okay with the rest of the Board and suggested having the zoning meeting at 10:30 a.m. Mr. Miller stated that one meeting could be called to discuss both items.

Commissioner Oestreicher stated that the Be The Light event looked very attractive. He added that since the annual Tree Lighting could not be held this year, this was a very good alternative. Commissioner Oestreicher thanked the Chamber of Commerce for making sure that this happened.

Commissioner Carter asked if the zoning would be countywide zoning or localized zoning because this was put on the ballot and most of the residents voted for no zoning. Chairman Owen responded that it will be to discuss what the referendum results were and how the Board would like to proceed. Commissioner Dickerson thanked Commissioner Carter for clear this up.

Commissioner Carter welcomed Commissioner Dickerson to the Board and informed him that if there is anything, he could help him with just to call. Commissioner Dickerson thanked Commissioner Carter.

Commissioner Jefferies welcomed Commissioner Dickerson to the Board and wished him good luck and added that if there is anything, he could do just to call him. Commissioner Dickerson thanked Commissioner Jefferies.

ANNOUNCEMENTS AND UPCOMING EVENTS

No announcements or upcoming events were given.

ADJOURNMENT

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

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Paula P. Seamster David J. Owen

Clerk to the Board Chairman

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