

**Windsor, North Carolina
March 18 and 20, 2013
Regular Meeting**

March 18, 2013

The Bertie County Board of Commissioners met for a regular meeting at 7:00 PM in the Commissioners Room with the following members present or absent:

Present:	J. Wallace Perry, Chairman Charles L. Smith, Vice-Chairman Rick Harrell John Trent Ronald "Ron" Wesson
Absent:	None
Staff Present:	Interim County Manager Morris Rascoe Assistant County Manager Misty Gibbs Assistant County Attorney Jonathan Huddleston

Chairman Perry opened the meeting.

INVOCATION & PLEDGE OF ALLEGIANCE

Vice-Chairman Smith led the invocation and Pledge of Allegiance.

PUBLIC COMMENTS

MR. JOE HOGGARD REGARDING BILL INTRODUCED TO ALLOW HUNTING ON SUNDAY

Mr. Joe Hoggard expressed his displeasure at a bill that has recently been introduced to allow hunters to hunt on Sunday. Mr. Hoggard asked for the counties support in opposing this bill.

DR. NAYLAND COLLIER AND KATRINA COBB REGARDING REZONING NEAR CREEKSIDE SUBDIVISION

Dr. Collier updated the Board on the progress of the efforts to oppose the rezoning of a piece of land in Creekside Subdivision for which he had previously presented to the Board. The Board and Dr. Collier discussed this matter. Dr. Collier asked for the Board's support in opposing this rezoning.

Katrina Cobb discussed the meetings that had been held by the Town of Windsor and the Town of Windsor Planning Board regarding this matter.

APPOINTMENTS

MR. TED COLE FROM DAVENPORT AND COMPANY REGARDING THE QSCB SINKING FUND

Mr. Ted Cole of Davenport and Company stated that on November 8, 2013, the County closed on the Series 2012 A Taxable Limited Obligation Qualified School Construction Bonds (QSCBs), which were sold as a "bullet" maturity with a single principal payment of \$18,030,000.00 due on November 1, 2035. Mr. Davenport stated that in order to repay this single maturity, the County established a Sinking Fund into which the County would escrow principal payments annually. Mr. Cole discussed the County's Sinking Fund deposits which are scheduled to begin in FY 2022. Mr. Cole stated that the deposits made into the Sinking Fund earn interest and are used to reduce the amount of principal repaid from annual County appropriations. Mr. Cole stated that the IRS limits the amount of interest that can be earned in the Sinking Fund by establishing a Permitted Sinking Fund Yield which was set when the bonds were priced. Mr. Cole stated that the yield for this project was set at 3.10%. Mr. Cole stated that the current market was at 2.95%. Mr. Cole stated that the County needed to discuss the investment of sinking fund deposits and recommended that the County engage an Investment Advisor who can assist the County to review investment options under the law, evaluate the benefits and risks

of potential investment options, assess the market conditions and advise staff through the investment process.

Commissioner Wesson inquired about the approximate cost to the County to employ and Investment Advisor. Mr. Cole stated that it would cost approximately \$30,000.00 to \$40,000.00. Mr. Cole stated that the County could pay for this up front or it could be paid for by an investment provider.

Commissioner Wesson asked if there was any chance that the IRS regulation would change to allow a greater yield. Mr. Cole stated that he was not aware of any language in the law to allow such a change.

Chairman Perry inquired as to whether or not Davenport and Company could provide this service. Mr. Cole stated that this was a specialized service that Davenport and Company could not provide.

The Board discussed waiting until 2022 to make a decision regarding investment. Mr. Cole stated that the danger in that would be that the current market at that time could be higher than the permitted yield, which would cause several issues, including that the Board may have to pay back funds and be penalized.

Mr. Wesson asked if the Board could lock in a yield now, then have language in their agreement to allow them to reconsider this matter in 2022.

The board directed Mr. Cole to find the answer to Mr. Wesson's question about locking in now and then changing in the future and to get them the exact cost of an Investment Advisor.

MS. JOANN JORDAN REGARDING RELAY FOR LIFE PROCLAMATION AND THE CHILD FATALITY AND COMMUNITY CHILD PROTECTION TEAM ANNUAL REPORT

Ms. Jordan presented the annual report for the Child Fatality and Community Child Protection Team.

Ms. Jordan discussed the proposed Relay for Life Proclamation.

Commissioner Smith introduced a **MOTION** to approve the proclamation. Commissioner Trent **SECONDED** the motion. The **MOTION PASSED** unanimously.

The proclamation reads as follows:

AMERICAN CANCER SOCIETY
RELAY FOR LIFE PROCLAMATION
BERTIE COUNTY 2013

WHEREAS, the South Atlantic Division of the American Cancer Society is a community based voluntary health organization dedicated to eliminating cancer through research, education, advocacy and service; and

WHEREAS, more than 56,100 North Carolinians will be diagnosed with cancer in 2013, and more than 19,800 North Carolina citizens will die from this disease; and

WHEREAS, 140 new cases of cancer are projected to occur in Bertie County in 2013, and 52 Bertie County citizens are expected to die from cancer this year; and

WHEREAS, racial and ethnic cancer disparities exist across the entire cancer spectrum from primary prevention to palliative care; and

WHEREAS, Relay For Life provides vital funding for cancer research and cancer control programs in North Carolina and Bertie County; and

WHEREAS, Relay For Life, sponsored by the American Cancer Society, will celebrate and honor North Carolinians, Bertie County Citizens and their families that have been affected by cancer.

NOW THEREFORE, We the Board of County Commissioners of Bertie County, N.C. do hereby proclaim the month of May 2013 as Relay For Life Month throughout the county and encourage all Bertie County residents to recognize the American Cancer Society's many contributions to improving the quality of life for all of our citizens; and

BE IT FURTHER RESOLVED that We the Board of County Commissioners of Bertie County, N.C. do hereby encourage all citizens to join in the celebrations and activities of Relay For Life on May 17 & 18, 2013.

This the 18th day of March 2013.

J. Wallace Perry, Chairman

Misty J. Gibbs, Clerk to the Board

Ms. Jordan asked that the Board consider its donation for the 2013 Relay for Life.

Commissioner Trent introduced a **MOTION** to give \$500.00 to support Relay for Life. Commissioner Smith **SECONDED** the motion. The **MOTION PASSED** unanimously.

Ms. Jordan presented the Board with the Relay for Life plaque for the counties performance at Relay 2012.

**MR. RUSS HADDAD OF THE MUSEUM OF THE ALBEMARLE REGARDING
RESOLUTION IN SUPPORT OF THE MUSEUM OF THE ALBEMARLE**

Mr. Haddad congratulated Bertie County on its recent visitors guide, saying it was a job well done.

Mr. Haddad discussed the Museum of the Albemarle, its history and the programs held there to benefit the region. Mr. Haddad discussed future programs for the Museum of the Albemarle. Commissioner Wesson suggested that the Museum of the Albemarle consider taking its exhibits on the road to give other counties access. Mr. Haddad stated that the Museum of the Albemarle Board is looking at such options.

Mr. Haddad asked the Board to pass a resolution in support of continuation of funding for the Museum of the Albemarle.

Commissioner Wesson introduced a **MOTION** to approve the resolution. Commissioner Smith **SECONDED** the motion. The **MOTION PASSED** unanimously.

The resolution reads as follows:

**RESOLUTION SUPPORTING CONTINUED FUNDING
FOR MUSEUM OF THE ALBEMARLE**

WHEREAS, Museum of the Albemarle serves a 13 county area that spans Northeastern North Carolina and is one of six divisional museums of the North Carolina Museum of History; and
WHEREAS, Museum of the Albemarle opened its first museum on May 29, 1967 in the old Highway Patrol building south of Elizabeth City; and
WHEREAS, by 1987 the museum's collection was overflowing and there was a critical need for a larger facility that would allow for the proper housing and display of the region's precious collections and a decision was made to seek a larger facility; and
WHEREAS, property was donated for a site and following a fundraising campaign and delays due to state budget shortfalls, a new 50,000 square foot museum was constructed using local and state resources; and
WHEREAS, the new Museum of the Albemarle opened on April 8, 2006 and is a wonderful facility that includes large public gathering areas, meeting and conference rooms, a 200 seat auditorium, 11,000 square feet of lobby and galleries, and 3,500 square feet of collection storage; and
WHEREAS, the museum is a regional resource center that houses historically significant regional artifacts and state-of-the-art displays that provide rare opportunities of inquiry and learning; and
WHEREAS, some of the current exhibits which are quite significant for our area include "Our Story: Life in the Albemarle", "Out of the Blue: Coast Guard Aviation", "Under Both Flags: Civil War in the Albemarle"; and

WHEREAS, over the past 45 years, Museum of the Albemarle has shown hundreds of exhibits, collected, displayed and cared for thousands of regional artifacts, conducted hundreds of educational programs, given general tours to thousands of regional school children, and educated, entertained and showed off the amazing history of the Albemarle Area; and

WHEREAS, Museum of the Albemarle has become a vital resource for our area;

NOW, THEREFORE, BE IT RESOLVED that the Bertie County Board of Commissioners supports funding for continued operation of Museum of the Albemarle and requests the Governor and General Assembly to include full funding in the state's 2013-14 budget for Museum of the Albemarle.

ADOPTED this 18th day of March, 2013

J. Wallace Perry, Chairman
Bertie County Board of Commissioners

ATTEST:

Misty J. Gibbs, Clerk to the Board

CONSENT AGENDA

Interim County Manager Rascoe recommended approval of the budget amendment.

Commissioner Harrell introduced a **MOTION** to approve budget amendment 13-01. Commissioner Smith **SECONDED** the motion. The **MOTION PASSED** unanimously.

DISCUSSION AGENDA

AUCTION TERMS AND CONDITIONS

Auctioneer Bill Forbes discussed the auction terms and conditions. Commissioner Wesson stated that, at the beginning of the meeting, he had suggested adding a link to the Bertie County page for Mr. Forbes' website which has all of the information about the County auction. Assistant County Manager Gibbs stated that she had contacted the webmaster and this link was now on the web.

Commissioner Trent introduced a **MOTION** to approve the auction terms and conditions. Commissioner Smith **SECONDED** the motion. The **MOTION PASSED** unanimously.

PERSONAL PROPERTY AUCTION RESOLUTION

Auctioneer Bill Forbes discussed this resolution.

The Board asked Assistant County Manager Gibbs to check with Building and Grounds on the dimensions of the chain link fence listed, since those dimensions did not appear to be correct.

Commissioner Harrell introduced a **MOTION** to approve the personal property auction resolution. Commissioner Trent **SECONDED** the motion. The **MOTION PASSED** unanimously.

The resolution reads as follows:

RESOLUTION AUTHORIZING PUBLIC AUCTION OF PERSONAL PROPERTY

Whereas, Bertie County has certain surplus personal property that is no longer being used by the County, which personal property consists of vehicles, office furniture and equipment;

Whereas the County desires to sell this surplus personal property through public auction pursuant to N.C.G.S. §153A-176 and 160A-270(b);

NOW THEREFORE, the Board of Commissioners of Bertie County hereby resolves as follows:

1. The County Commissioners authorize the sale by public auction of the personal property described on Exhibit A attached.
2. The sale shall take place on the 13th day of April, 2013, at 10:30 a.m. at the Bertie County Council on Aging Gym, 103 School Street, Windsor, North Carolina.
3. Notice of this sale shall be published at least once and not less than 10 days before the sale in the Bertie Ledger Advance. Said notice shall specify the terms of sale, the time, date and place of sale, and shall contain a description of the property to be sold.
4. Following publication of the notice of sale, a licensed auctioneer and real estate broker of United Country Forbes Realty and Auctions, LLC, or his designee shall conduct the sale at the designated time and place. The high bidder shall pay the purchase price of the property on the date of sale by cash, or by certified or cashiers check, and the property purchased shall be removed by the high bidder within seven days of the date of the sale. Any property not so removed by the successful bidder shall be considered forfeited and the County may dispose of said property at its discretion and may retain the purchase price paid by the successful bidder as liquidated damages. After the conclusion of the sale, the results shall be reported to the Commissioners at their next regularly scheduled meeting.
5. The County Manager is authorized to discard any personal property that is remaining after the auction sale that he determines has no value, pursuant to 160A-266. If the County Manager feels that any such remaining personal property has enough value to warrant further attempts at sale, he may attempt to sell such personal property by whatever means he deems necessary and pursuant to N.C.G.S. 160A-266 shall keep a record of all property sold, which record shall generally describe the personal property sold, to whom it was sold, and the sale price. If the County Manager is unsuccessful in attempting to sell such personal property, he may discard such property as originally authorized above.

Adopted this the 18th day of March, 2013, by unanimous vote of the Bertie County Board of Commissioners at its regular meeting.

ATTEST:

BERTIE COUNTY

Misty J. Gibbs, Clerk to the
Board of Commissioners
(SEAL)

J. Wallace Perry
Chairman
Bertie County Board of Commissioners

ATTACHMENT A

<u>QTY.</u>	<u>BRAND</u>	<u>DESCRIPTION</u>	<u>MODEL</u>
1	John Deere	Lawn Mower	GT 235
1	Stihl	Blower	
1	Husquarna	Weed Trimmer	
1		Air Compressor	
1	Husquarna	Push Lawn Mower	
2	Eureka	Vacuum	
3	Sanitaire	Vacuum	
1		Small Trailer closed in box 4x3	
1		4'x 400' Chain Link Fence	
1		Wheel Chair	
1		Exercise Bike	
1		Exercise Stepper	
1		Washing Machine	
1		Dryer	
12	Dell	Computer	
12	Dell	Monitor	
1	Samsung	Microwave	
1	Sharp	Copier	
7		Printer	
29		Windows with wood frames	
14		Aluminum windows	
14		36x30 Election cases	
5		24x26 Election cases	
1		Treadmill	
9		Chairs	
8		Desks	
3		Bookshelf	
29		Rough face corner blocks	
24		4x8 Rough face blocks	
33		Rough face half blocks	
2		Metal Rolling Bookcase	
1		3'x7' Steel vault door	

VEHICLES				
<u>YEAR</u>	<u>MAKE</u>	<u>MODEL</u>	<u>MILEAGE</u>	<u>VIN #</u>
2001	Ford	Crown Vic	73,753	2FAFP71W41X128977
2000	Ford	Crown Vic	137,381	2FAFP71W9YX167235
2003	Ford	Crown Vic	144,755	27AFP71W53X101323
2003	Ford	Crown Vic	126,435	2FAFP71WX3X132647
2003	Ford	Crown Vic	212,369	2FAHP71W43X163434
2005	Ford	Crown Vic	198,870	2FAFP71W95X123117
2005	Ford	Crown Vic	159,077	2FAFP71W25X123119
1994	Ford	E350 Bus	203,792	1FDKE30M4RHB40013

RESOLUTION TO SUPPORT THE SECOND AMENDMENT RIGHT OF THE PEOPLE TO KEEP AND BEAR ARMS AND TO REQUEST LEGISLATION TO EXEMPT CERTAIN RECORDS OF THE SHERIFF'S OFFICE FROM THE PUBLIC RECORDS ACT

Assistant County Manager Gibbs stated that the Board had received emails in support of passing a resolution in support of the second amendment and those emails were on the desk for each member.

Commissioner Wesson stated that he opposed the resolution stating that he believed it is a solution looking for a problem and he did not feel the Board needed to pass a resolution in support of a right citizens already have. Commissioner Wesson also stated that he disagreed with exemption of these records from the public records act.

Ms. Lisa Briley asked to hear the language in the resolution. Commissioner Harrell read the resolution.

The Board and staff asked questions and discussed the current registration process.

Mr. Joe Hoggard discussed the current registration process, noting that a purchase permit and registration were different; however, he felt that none of it should be public knowledge.

Commissioner Wesson stated that as a citizen, he would like to know who has weapons. Commissioner Wesson questioned why the law needed to be changed. Ms. Lisa Briley spoke in support of the resolution stating that gun owners are being attacked.

The Board discussed this resolution.

Commissioner Harrell introduced a **MOTION** to pass the resolution. Commissioner Smith **SECONDED** the motion. The **MOTION PASSED** with four aye votes, and one nay vote, the nay vote coming from Commissioner Wesson.

The resolution reads as follows:

RESOLUTION TO SUPPORT THE SECOND AMENDMENT RIGHT OF THE PEOPLE TO KEEP AND BEAR ARMS AND TO REQUEST LEGISLATION TO EXEMPT CERTAIN RECORDS OF THE SHERIFF'S OFFICE FROM THE PUBLIC RECORDS ACT

WHEREAS, the Sheriff's Office in each county in the State of North Carolina is required to maintain records of the handgun purchase permits issued by the Sheriff's Office pursuant to N.C. Gen. Stat§ 14-405 and concealed carry permits issued pursuant to N.C. Gen Stat. § 14-415.17; and

WHEREAS, these records include information such as name, address, age and other information as may be requested by the Sheriff's Office; and,

WHEREAS, the Bertie County Board of Commissioners finds and declares that it is in the best interest of the citizens of the County and the State of North Carolina to prevent public access to this information; and

WHEREAS, the Bertie County Board of Commissioners supports the Second Amendment right of the people to keep and bear Arms; and

WHEREAS, the Bertie County Board of Commissioners recommends and supports legislation which exempts handgun purchase permits and concealed carry permits from the list of records of Sheriff's Offices which are accessible by the public at large.

NOW, THEREFORE, BE IT RESOLVED that the Bertie County Board of Commissioners hereby goes on record supporting the Second Amendment right of the people to keep and bear Arms; and

BE IT FUTHER RESOLVED that the Bertie County Board of Commissioners hereby requests that the Bertie County delegation to the North Carolina General Assembly introduce and support legislation to exempt handgun purchase permits and concealed carry permits from the records of Sheriff's Offices that are accessible by the public at large.

BE IT FUTHER RESOLVED that copies of this resolution be forwarded to all Federal and State representatives representing Bertie County, the North Carolina Association of County Commissioners, and to the other 99 NC counties.

Misty J. Gibbs, Clerk to the Board

BOARD APPOINTMENT POLICY

Assistant County Manager Deanes stated that the Assistant County Attorney had submitted language regarding immediate family and that language is in the draft policy presented to the Board. Assistant County Attorney Huddleston discussed this language.

Commissioner Wesson introduced a **MOTION** to approve the policy. Commissioner Trent **SECONDED** the motion. The **MOTION PASSED** unanimously.

PROPERTY PURCHASE REQUEST

Assistant County Attorney Huddleston discussed the property purchase request received from Peterson Grove Missionary Baptist Church for property PIN 6719940861 at 322 Morning Road. Mr. Huddleston stated that this property had been advertised under the upset bid process, but no upset bids had been received; therefore this sale is back before the Board for final approval.

Commissioner Wesson introduced a **MOTION** to approve the sale. Commissioner Trent **SECONDED** the motion. The **MOTION PASSED** unanimously.

TAX, TAG AND LICENSE PLATE AGENCY

Chairman Perry stated that each commissioner had a letter on his desk from the Windsor-Bertie Chamber of Commerce. Mr. Perry stated that the letter outlined the Chamber's assessed loss of revenue if the License Plate Agency were to become a County agency. Mr. Perry stated that the Chamber has asked for \$44,800.00 to replace this revenue. Commissioner Harrell stated that he did not see that as being a possibility at this time.

Commissioner Wesson stated that the letter from the Chamber indicates that the Chamber believes that the License Plate Agency should be moved to the County and he agreed; however, the Chamber would like compensation for that. Mr. Wesson discussed the letter.

Commissioner Harrell stated that the County would need to assess the cost of assuming this agency as well and noted that the figures presented from the Chamber did not seem like a reasonable offer. Commissioner Harrell stated that he felt that he needed to better understand the revenues and expenditures that the County would incur if this agency became a County agency.

The Board discussed this matter.

Commissioner Trent introduced a **MOTION** to direct Tax Administrator Hosea Wilson, Finance Director William Roberson and incoming Interim County Manager John Whitehurst to bring the Board an estimated budget for running this agency as a County agency. Commissioner Harrell **SECONDED** the motion. The **MOTION PASSED** unanimously.

RESOLUTION OPPOSING HUNTING ON SUNDAY

Chairman Perry stated that he had received calls regarding Sunday hunting and felt that the Board should pass a resolution opposing Sunday hunting. The Board discussed this matter and agreed.

Commissioner Harrell introduced a **MOTION** to have the Clerk write a resolution to oppose Sunday hunting on both private and public lands and to pass such a resolution. Commissioner Trent **SECONDED** the motion. The **MOTION PASSED** unanimously.

The resolution reads as follows:

Resolution Opposing Hunting on Sunday

WHEREAS, N.C.G.S. 103-2 (a) states that “if any person shall, except in defense of his own property, hunt on Sunday, having with him a shotgun, rifle, or pistol, he shall be guilty of a Class 3 misdemeanor.”; and

WHEREAS, Senate Bill 224 has been introduced and states, “A person may hunt on Sunday on privately owned land if the person is the owner of the property or if the person has written permission dated and signed by the owner of the property to hunt on Sunday on that property.”

NOW, THEREFORE BE IT RESOLVED, that the Bertie County Board of Commissioners is opposed to any bill that would allow hunting on Sunday on public or private lands.

BE IT FURTHER RESOLVED, that the Bertie County Board of Commissioners requests that if this bill is passed, the bill contain an “opt out” clause for counties.

Adopted this the 18th day of May, 2013.

J. Wallace Perry, Chairman

Misty J. Gibbs, Clerk to the Board

PRESENTATION OF PLAQUE TO MORRIS RASCOE

The Board presented Interim County Manager with a plaque for his retirement and thanked him for his 35 years of public service.

COMMISSIONERS' REPORTS

Commissioner Smith discussed his attendance at the NACo Legislative Goals Conference.

COUNTY MANAGER'S REPORTS

There were no reports.

COUNTY ATTORNEY'S REPORTS

There were no reports.

PUBLIC COMMENTS CONTINUED

MS. LISA BRILEY REGARDING THE RESOLUTION SUPPORTING THE SECOND AMENDMENT

Ms. Lisa Briley commended the Board for passing the resolution in support of the second amendment and thanked the Board for its action to move meetings into communities.

DR. NAYLAND COLLIER THANKED BOARD

Dr. Nayland Collier thanked the Board for its advice and support.

RECESS

Chairman Perry informed citizens that the Board would take a five minute recess before returning for a closed session.

RECONVENE

Chairman Perry reconvened the meeting.

CLOSED SESSION

Commissioner Harrell introduced a **MOTION** to go into closed session pursuant to NCGS §143-318.11 (a)(4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body; and pursuant to NCGS §143-318.11 (a)(5) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract. Commissioner Smith **SECONDED** the motion. The **MOTION PASSED** unanimously.

Commissioner Smith introduced a **MOTION** to come out of closed session. Commissioner Wesson **SECONDED** the motion. The **MOTION PASSED** unanimously.

OPEN SESSION

CONTRACT FOR INTERIM COUNTY MANAGER JOHN E. WHITEHURST

Commissioner Wesson introduced a **MOTION** to approve the contract for Interim County Manager John E. Whitehurst and authorize the Chairman to sign the contract. Commissioner Trent **SECONDED** the motion. The **MOTION PASSED** unanimously.

The Board directed the Clerk to the Board to include the contract in the minutes.

The contract reads as follows:

EMPLOYMENT AGREEMENT FOR INTERIM COUNTY MANAGER

THIS AGREEMENT effective the 1st day of April, 2013, by and between John E. Whitehurst and the County of Bertie, a political subdivision of the State of North Carolina;

WHEREAS, the County of Bertie wishes to employ the services John E. Whitehurst as an Interim County Manager pursuant to NCGS 153A-84, and John E. Whitehurst wishes to provide such services on the terms and conditions hereafter set forth;

NOW, THEREFORE, in consideration of the foregoing, the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is acknowledged by each party to the other, the parties hereto hereby agree as follows:

1. SERVICES TO BE RENDERED

John E. Whitehurst agrees to serve in the capacity of Interim County Manager and render the following services:

Perform the functions and duties specified in NCGS 153A-82 and other legally permissible and proper duties and functions as the Board shall from time to time assign.

2. TERM

The Interim County Manager will serve at the pleasure of the County until a permanent County Manager is appointed, or for 1,000 hours within a 12 month period, whichever comes first. This paragraph is subject to the contract termination provisions of Section 9 below.

3. COMPENSATION

The County shall pay the Interim County Manager for services rendered hereunder at the rate of \$50.00 per hour. The Interim County Manager will use his personal vehicle and for travel shall be reimbursed at the prevailing federal travel allowance rate. Other approved expenses shall be reimbursed at cost. The Interim County Manager shall be deemed to be an employee of County of Bertie. The Interim County Manager shall not be eligible for health insurance, retirement, vacation or sick leave benefits.

4. ORGANIZATION POSITION AND AUTHORITY

The Interim County Manager will serve the County of Bertie and, as such, will report to the Chairman and governing body. The Interim County Manager shall have such power and authority provided pursuant to, and in accordance with, the General Statutes of NC, federal and local acts.

5. REPORTING/CONSULTATIONS/TIME

The Interim County Manager shall meet with or confer no less frequently than once a week with the governing body or Chairman if so requested. The Interim County Manager shall work such time as necessary to complete the services referred to in paragraph 1. However, such time shall not exceed thirty seven and one half hours (37½) per week, unless approved by the governing body or Chairman.

6. GENERAL CONDITIONS

The County of Bertie will provide all normal administrative and logistical support necessary for the Interim County Manager to carry out his functions.

7. INABILITY TO SERVE

In the event that the Interim County Manager is unable for any reason to serve or continue serving for the County of Bertie during the term of this Agreement, then this Agreement shall automatically terminate with no further obligation on the part of either party.

8. BOND

The Interim County Manager shall execute a bond in favor of the County for the faithful performance of his duties. The County will pay the premium for the bond.

9. CONTRACT TERMINATION

The County may, at its sole option, terminate this Agreement upon a two (2) calendar day notice, without further obligation on the part of either party.

It is expressly understood and agreed that the Interim County Manager serves at the pleasure of the Chairman and the governing body and subject to the limitations in this paragraph may terminate this agreement with or without cause.

Nothing in this agreement shall prevent, limit or otherwise interfere with the right of the Interim County Manager to resign, at will, at any time from his position with the County, subject to a two (2) calendar day notice.

10. GOVERNING LAW

This agreement shall be governed by and construed in accordance with the laws of the State of North Carolina.

11. AMENDMENT

The text of this Agreement shall constitute the entire contract between the parties. Any amendments shall be by mutual consent of the parties and as evidenced in writing.

12. SEVERABILITY

If any provisions, or any portion thereof, contained in this Agreement is held to be or becomes invalid or unenforceable, the remainder of this Agreement, or portions thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

13. COUNTERPARTS

This Agreement may be executed in one or more counterparts, which together shall constitute one and the same instrument.

IN WITNESS HEREOF, the parties hereto have executed this Agreement on this the _____ day of _____ 2013.

By: _____
Bertie County Chairman

By: _____
John E. Whitehurst

Clerk: _____

(SEAL)

/LCS/13County/Whitehurst, John E. Employment Agreement

RECESS

Chairman Perry recessed the meeting until March 20, 2013 at 10:00 AM in the Commissioners Room, 106 Dundee Street, Windsor, NC.

March 20, 2013

The Bertie County Board of Commissioners met for a regular meeting at 10:00 AM in the Commissioners Room with the following members present or absent:

Present: J. Wallace Perry, Chairman
Charles L. Smith, Vice-Chairman
John Trent
Ronald "Ron" Wesson

Absent: Rick Harrell

Staff Present: Interim County Manager Morris Rascoe
Assistant County Manager Misty Gibbs
Assistant County Attorney Jonathan Huddleston

Chairman Perry opened the meeting.

PRESENTATION FROM THE KENAN INSTITUTE

Chairman Perry welcomed the staff and students of the Kenan Institute to the meeting.

Economic Development Director Steve Biggs presented the group. Mr. Biggs stated that he had discussed the development of an economic development strategic plan with Mr. English. Mr. Biggs introduced Mr. English.

Mr. Dennis English of the Kenan Institute stated that the Kenan Institute had been awarded an Economic Development Association grant to focus on eighteen counties in Eastern North Carolina. Mr. English stated that Kenan Institute would like to include a strategic plan for Bertie County in the work done with this grant funding. Mr. English stated that this assistance would come at no cost to the County. Mr. English stated that Dr. Nicholas Didow and his class were present and would be assisting in this project as well.

Each student introduced themselves and told the Board from where they came.

Mr. English and Dr. Didow asked the Board to tell them about Bertie County. The Board each discussed Bertie County.

Students asked questions of the Board to get to know the dynamics of Bertie County better.

RECESS

Chairman Perry stated that the Board would take a five minute recess before returning and going into closed session.

RECONVENE

Chairman Perry reconvened the meeting.

CLOSED SESSION

Commissioner Smith introduced a **MOTION** to go into closed session pursuant to NCGS §143-318.11 (a)(4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body; and pursuant to NCGS §143-318.11 (a)(5) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract. Commissioner Wesson **SECONDED** the motion. The **MOTION PASSED** unanimously.

Commissioner Smith introduced a **MOTION** to come out of closed session. Commissioner Wesson **SECONDED** the motion. The **MOTION PASSED** unanimously.

OPEN SESSION

DOOR TO DOOR TRASH PICK UP

Interim County Manager Rascoe discussed the proposed notice for advertisement of the Board's intent to discuss the possibility of door to door trash pick up. Assistant County Attorney Huddleston stated that the County must advertise for four weeks before discussing the matter.

Commissioner Wesson asked for talking points regarding this matter.

Commissioner Wesson introduced a **MOTION** to approve the advertisement. Commissioner Smith **SECONDED** the motion. The **MOTION PASSED** unanimously.

ADJOURN

Chairman Perry adjourned the meeting.

J. Wallace Perry, Chairman

Misty J. Gibbs, Clerk to the Board