

Windsor, North Carolina
August 5, 2013
Regular Meeting

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
Rick Harrell
John Trent
Ronald "Ron" Wesson

Absent: None

Staff Present: County Manager Scott Sauer
Acting Clerk to the Board John E. Whitehurst
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

Chairman Perry opened the floor to the public for public comments.

Mr. James Pugh asked that the commissioners consider everyone as they carried out the business of the county, whether it concerned medical, trash or dumpsters. He stated that many citizens have no transportation to the convenience sites and they are waiting for action. Many people are opposed to change but whatever the board decides to think of everybody. His comments included that Martin County and other counties are doing it.

Mr. Joe Hoggard reminded the board that he had been to the meetings before and he had seen solid waste on the agenda and some mention of pricing. He referenced the service fee is a back door tax and the cost would at least double from the current cost. He said that the approximate cost of \$120 per year would be an increase from zero to the \$120 and that the citizens should have a choice whether or not to participate. He indicated that solid waste pickup was great for the towns but it should not be considered for the rural areas. He cited increased cost and the need to keep cost down but we needed to consider keeping the county clean. Commissioner Wesson asked Mr. Hoggard to consider the cost for the "average" citizen. Mr. Hoggard stated he traveled about 8 miles and did not make special trips but did drop offs while going someplace else. Commissioner Wesson again asked that he consider the "average" citizen.

Ms. Betty Lassiter from Lassiter Trailer Park said that the majority of the people did not want the trash change and it was not necessary to close the convenience sites.

There were no further public comments and Chairman Perry thanked everyone for their comments.

APPOINTMENTS

Chairman Perry informed everyone that Clerk to the Board Misty Gibbs had resigned and was relocating to Hyde County to be with her family. He introduced John E. Whitehurst and asked for a motion to appoint Mr. Whitehurst as the Interim Clerk to the Board during the period of hiring a new Clerk to the Board. Commissioner Wesson introduced a motion to appoint John E. Whitehurst as Interim Clerk to the Board. His motion was seconded by Commissioner Trent and was unanimously approved.

CONVENE AS THE BOARD FOR WATER DISTRICTS I, II, III AND IV.

A motion to convene as the Board for Water District I, II, III and IV was introduced by Commissioner Trent, seconded by Commissioner Smith and unanimously approved.

Utilities Director Ricky Spivey presented two contracts, previously reviewed by the County Attorney, entitled AGREEMENT FOR OPERATION RESPONSIBLE CHARGE FOR WELLS

BETWEEN MELVIN NICHOLS AND BERTIE COUNTY WATER DISTRICTS I, II, III AND IV and AGREEMENT FOR OPERATION RESPONSIBLE CHARGE FOR WELLS BETWEEN MARTY EURE AND BERTIE COUNTY WATER DISTRICTS I, II, III AND IV. These contracts were intended to provide a backup ORC having C-Well Certification to monitor the wells during Mr. Spivey's absence. Commissioner Harrell asked for clarification of the position title because the agreements title indicated that the individual would be ORC and not backup ORC. Director Spivey agreed that this was incorrect and should be changed. Additionally, Commissioner Harrell said that the agreement should state a period of time. The Board agreed and instructed that the agreement should reflect a twelve (12) month duration. Commissioner Harrell spoke of the need for a policy to have employees certified for this duty and not have to contract. Board members agreed and asked Spivey and the County Manager to work together to write a policy and to have a job description that would permit a pay increase if the employee became certified. They were directed to bring this to the board for review. Spivey stated that he had two employees studying now. Director Spivey presented a well inspection sheet that would provide information as to how much water was being withdrawn. Commissioner Harrell introduced a motion to change the contract draft to read "backup" ORC, to indicate mileage reimbursement at county rate and a pay of \$25 per hour. The County Manager requested contract approval subject to recommended changes by staff and County Attorney, subject to County Attorney review, edit and approval. Commissioner Wesson seconded the motion and it was unanimously approved. The County Manager was instructed to prepare a budget amendment for the increased cost and present it at the new meeting.

The Director presented a water tank maintenance contract for Tanks #1, #2, #3 and #4 with Southern Corrosion, Inc. of Roanoke Rapids, NC. A proposal from the company had been presented by Mr. Spivey during budget work sessions. The board had authorized the cancellation of a similar contract with Utility Services because of the price differential. The first year cost is \$45,358 and annual increases will be equal to the % change in the CPI. The contract is automatic renewal with prior notice of cancellation required. Mr. Spivey stated that the County Attorney had not reviewed the contract. Commissioner Harrell introduced a motion that the contract be reviewed by the County Attorney and returned to the board for approval. The motion was seconded by Commissioner Trent seconded the motion and it was unanimously approved.

The County Manager opened the discussion about the fees being charged for the expansion of the water system to include Black Rock subdivision area. It was discussed that McDavid engineers had been present at the meeting that supposedly clarified the fees to be charged. Following a lengthy discussion it was confirmed that the existing property owners that made \$50 deposits back in the 90's would not have to pay the tap fee of \$1,000 if they have meters installed during this construction.

Commissioner Trent made a motion to adjourn the board for the water districts. It was seconded by Commissioner Wesson and unanimously approved.

ADJOURN AS THE BOARD FOR WATER DISTRICTS I, II, III AND IV

Building and Grounds Supervisor Anthony Rascoe requested that the board declare the 24 ton air handling unit removed from the Administrative Office Building earlier this year. The unit was still sitting on the county trailer and needs to be disposed of so the trailer can be used. Commissioner Trent made a motion to declare the item surplus and junk and to authorize Mr. Rascoe to sell the items at the metal junk dealer. His motion was seconded by Commissioner Wesson and unanimously approved.

Mr. Rascoe introduced the representative from Palmetto Environmental Company. The firm has submitted a revised quote to serve as project manager and perform certification for the flood damage remediation work at the Day Reporting Center. He informed the board that the situation was worsening each day. The cost for remediation work and certification was \$32,307.76. However, there were a couple of questionable costs and Commissioner Trent recommended the approval of a \$35,000 project cost and reminded Mr. Rascoe that the occupants should not be allowed to store items in the HVAC rooms. Palmetto Environmental stated that they would guarantee a 100% approval upon completion. Commissioner Trent made a motion to accept the proposal at \$35,000 and move forward with the project. His motion was seconded by Commissioner Wesson and unanimously approved.

BOARD AND COMMITTEE APPOINTMENTS

CHOANOKE AREA DEVELOPMENT ASSOCIATION (CADA) BOARD

Commissioner Wesson introduced a motion to appoint Thaddeus C. White, Jr to the CADA Board to replace Bessie Mitchell. Commissioner Trent seconded the motion. The motion passed unanimously.

LAWRENCE MEMORIAL LIBRARY BOARD

Commissioner Wesson introduced a motion to appoint Kay Brantley to the Lawrence Memorial Library Board to replace Beverly Jilcott. Commissioner Harrell seconded the motion. The motion passed unanimously.

Commissioner Harrell introduced a motion to reappoint Marion Lee to the Lawrence Memorial Library Board. Commissioner Trent seconded the motion. The motion passed unanimously.

CONSENT AGENDA

The minutes of the previous meetings were not available.

The resolution authorizing and commanding the Tax Collector to collect the current year tax levy was approved by a motion introduced by Commissioner Wesson, seconded by Commissioner Trent and unanimously approved.

The Register of Deeds fees report for the month of July 2013 was received by a motion introduced by Commissioner Smith, seconded by Commissioner Wesson and unanimously approved.

DISCUSSION AGENDA

EMS CONTRACT WITH FIRST MED EMS

The County Manger noted that the board had previously voted to negotiate a contract with First Med EMS. Mitch Cooper, Emergency Management Coordinator, summarized some of the events underway in readying for the changeover. The First Med contract was expected to the County Attorney today. The Town of Aulander and the Fire Department was in the process of updating and renovating the building that will house the Aulander units. A letter of intent for renting the buildings is being prepared. First Med has conducted two meetings and has received approximately 68 applications for EMT employment, of which Bertie County citizens numbered in the thirties.

EMERGENCY MANAGEMENT COORDINATOR TITLE CHANGE

Commissioner Smith made a motion to change the Emergency Management Coordinator title to Emergency Services Director. Commissioner Trent seconded the motion and it was unanimously approved.

EMS CONTRACT FUNDING BUDGET AMENDMENT

Finance Director William Roberson and the County Manager presented a request that the budget for EMS be increased by \$91,250 in order to provide an estimated available appropriation of \$266,250 to provide funding to June 30, 2014. Funding is to be provided by increasing the General Fund-Fund Balance Appropriated. The motion to approve the request as stated was introduced by Commissioner Trent, seconded by Commissioner Wesson and unanimously approved.

SOLID WASTE

The County Manager stated that the bids from two bidders, Waste Industries and Republic, were received and opened. An analysis of the bid options was reviewed. Staff and Commissioner representatives would be meeting in the next few days with each bidder to refine and negotiate various options. The Board discussed the need to have the public informed of all of the options and costs associated with the various services. Staff was instructed to start preparing a draft ordinance that would address many of the operational rules and the fees. This would be necessary to develop with the input from the Commissioners so that many questions could be answered. The billing issues would be addressed as to whether to do monthly billing or tax billing. Commissioner Trent stated that three mayors have indicated an interest in participating in the contract. Commissioner Harrell asked were with comfortable with the number of houses as addressed in the RFP. Mr. Whitehurst indicated that this was an estimated based upon rural improved properties as provided by the Tax Office.

The board discussed the question of conducting a public hearing on the proposal. Commissioner Harrell introduced a motion to conduct a public hearing on October 10, 2013 in the Courthouse at 7:00 PM on the Solid Waste Rural Door to Door Collection ordinance draft and contract proposals. His motion was seconded by Commissioner Trent and approved with all members vote aye.

OTHER ITEMS

The Board accepted the Tax Office collection report as of June 30, 2013, as recommended by the County Manager.

After discussion, the Board instructed the Clerk to reserve the Martin County Moratoc Park facility for September 25 and 26, 2013, starting at 9:00 AM. Commissioner Wesson explained that the word "retreat" might be a bit misinforming and the word "workshop" or "planning meeting" was more informative. The County Manager was instructed to prepare an agenda for the meeting.

County Manager Sauer informed the Board that the County has received a request AT&T to rent antennae space on the County's tower located on US Hwy 13 North of Windsor. He asked that the Board not consider the request until Staff has more time to evaluate the request.

The Board authorized the Chairman to sign the annual cooperative agreement with the NC Forest Service and Bertie County.

The Board received a \$10,000 check from Lawrence Memorial Library. They asked that the County accept the gift and include it in the budget to increase the appropriation to the Lawrence Memorial Library. This gift would help the Regional Board maintain the Maintenance of Effort for the region. Some Board members had been informed that the Regional Library Board had reduced the Aulander Library budget and stated that the reduction was because the County had reduced their budget. After discussion, it was learned that the action had been cancelled and the Aulander budget reinstated. Commissioner Wesson made a motion to increase the General Fund Revenue by \$10,000 and the Lawrence Memorial Library appropriation by \$10,000. The motion was seconded by Commissioner Trent and approved unanimously.

COMMISSIONERS REPORTS

Commissioner Wesson thanked the citizens for allowing him to attend the NACo conference in Texas. He stated that it was an excellent opportunity to converse and meet commissioners from throughout the United States. He discussed and heard many cost saving ideas.

Commissioner Harrell asked Will and Hattie Outlaw to come forward and discuss food service issues with the Senior Center. Ms. Outlaw discussed her personal visits to the various Centers and meetings with the Seniors. She said for every food complaint that there was a similar praise or no objection to the service and food. It is virtually impossible to please everyone. However, she and Will are making some changes that should enhance the food service. Will had met with the COA Director Thompson and gone over all of her complaints. Ms. Outlaw was informed that the best way to please is to have direct conversations with the Seniors and she stated she would continue to have conversations.

Commissioner Perry told Ms. Outlaw that the Colerain group called the food "garbage" at the Commissioners meeting held in Colerain. Ms. Outlaw said she had met with those and just as many liked the food as opposed it.

Commissioner Trent asked the County Attorney the status of the Water System check off sheets that were presented by the County Engineers. Atty Huddleston said that he would have the sheets sent out to the Commissioners again and ask for their comments.

PUBLIC COMMENTS CONTINUED

Joe Hoggard spoke again about the increasing costs being discussed. He said the public did not need any additional taxes.

Monica Lassiter stated that whether the garbage was picked up or not, people were going to have to pay. She said the public hearing was a good idea and at least the people were being given an opportunity to be heard.

Betty Lassiter stated that a lot of people would not pay their taxes for the trash pickup. She hopes the convenience sites will not change.

Belinda White said she was concerned about the trailer parks and using State maintained roads only. The Board informed her that they were still working on this problem.

James Pugh asked that a Commissioner consider attending a 21 county democratic meeting with Congressman Butterfield this weekend.

RECESS

The Board took a two-minute recess.

CONVENE AS THE BOARD OF EQUALIZATION AND REVIEW

Chairman Perry convened the Board as the Board of Equalization and Review.

ALF FCLG Bal Gra Harbor LLC filed a timely appeal for the 2013 tax year. The appeal of the 2013 valuation of \$9,638,313.00 on three parcels. Reader & Partners, agent and part owner for ALF FCLG Bal Gra Harbor, LLC has submitted an opinion of value of \$3,231,450.00. The owners believe the property is appraised at more than its fair market value and is not equitably appraised as compared with similar properties.

All three parcels were purchased on December 27, 2006 for a total of \$20,000,000.00, with the intent on residential development. A Planned Unit Development zoning was obtained from the County soon after but no further developments have taken place. The property is currently leased to a farmer for 36 months, starting February 1, 2013 and automatically extended for successive, consecutive twelve month periods.

Pearson Appraisals reviewed the values and believe the value to be excessive. It is believed that the highest and best use at this time is agriculture and forestry and not residential development. This is in line with adjacent landowners. Based on this information, the Board will adjust the value of \$9,638,313.00 to \$4,681,260.00 to reflect each parcels current use and true value. It is noted that the owner does not qualify for agricultural land use values.

Commissioner Harrell introduced a motion to approve the change in value recommended above based upon the information presented. His motion was seconded by Commissioner Wesson and unanimously approved by the Board.

Commissioner Trent introduced a motion to adjourn the Board of Equalization and Review. His motion was seconded by Commissioner Wesson. The motion was unanimously approved.

BOARD OF EQUALIZATION AND REVIEW ADJOURNED

CLOSED SESSION

Commissioner Trent introduced a motion to go into closed session 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 (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract; and pursuant to N.C.G.S. § 143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. Commissioner Wesson seconded the motion. The motion passed unanimously.

Commissioner Smith introduced a motion to come out of closed session. Commissioner Harrell seconded the motion. The motion passed unanimously among the commissioners present.

ADJOURN

Chairman Perry adjourned the meeting.

J. Wallace Perry, Chairman

John Whitehurst, Clerk to the Board

