

Windsor, North Carolina
April 21, 2014
Regular Meeting

The Bertie County Board of Commissioners met for their regularly scheduled meeting at 7:00PM in the Commissioners Room located at 106 Dundee Street Windsor, NC. The following members were 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
Clerk to the Board Sarah Seredni
County Attorney Lloyd Smith
Network Administrator Joe Wilkes
Finance Director William Roberson

Media members present included Gene Motley of the Roanoke Chowan News Herald.

Other staff members present for a portion of the meeting included: Emergency Services Director Mitch Cooper, Planning Developer Traci White, Emergency Medical Services Director Matt Leicester, and Sheriff John Holley.

Chairman Perry opened the meeting and thanked all of those present for their attendance.

INVOCATION/PLEDGE OF ALLEGIANCE

Chairman Perry led the Invocation and Pledge of Allegiance.

PUBLIC COMMENTS

There were no Public Comments in this section.

DISCUSSION AGENDA

Chairman Perry adjusted the provided agenda in order to accommodate a presenter traveling from Camden, NC.

Mr. Dan Horton of Camden, NC presented a Resolution in support of veteran service recognition of WWII Coastwise Merchant Mariners

Mr. Dan Horton, a WWII Veteran, presented the Board with a Resolution in support of veteran service recognition of WWII Coastwise Merchant Mariners.

Mr. Horton informed the Board that a similar Resolution had passed in the United States House of Representatives back in 2010 but that it has since been anchored in the United States Senate.

Mr. Horton stated that approximately 9,500 Coastwise Merchant Mariners have been deemed “lost at sea” or “killed in action,” with only 400 of those soldiers being considered “Veterans.” He urged the Board to consider the Resolution so that the remaining soldiers could be recognized as “Veterans.”

Commissioner Trent made a **MOTION** to approve the Resolution in support of veteran service recognition of WWII Coastwise Merchant Mariners. Vice Chairman Smith and Commissioner Wesson **SECONDED** the motion. The **MOTION PASSED** unanimously.

The Board thanked Mr. Horton for his military service.

The resolution reads as follows:



BERTIE COUNTY

106 DUNDEE STREET
POST OFFICE BOX 530
WINDSOR, NORTH CAROLINA
27983

(252) 794-5300
FAX: (252) 794-5327
WWW.CO.BERTIE.NC.US

BOARD OF COMMISSIONERS
J. WALLACE PERRY, Chairman
CHARLES L. SMITH, Vice-Chairman
RICK HARRELL
JOHN TRENT
RONALD "RON" WESSON

ADMINISTRATIVE STAFF
SCOTT SAUER, County Manager
SARAH SEREDNI, Clerk to the Board

RESOLUTION IN SUPPORT OF RECOGNITION OF "WW II COASTWISE MERCHANT MARINERS"

Findings 1: Some US Merchant Marine Seamen of WW II gained veteran status under a court ruling via Schmacher, Willner, et al, V. Secretary of the Air Force Edward C. Aldridge, Jr 665 F Supp 41 (D.D.C 1987). The USCG later **required** they meet certain eligibility requirements.

Findings 2: Some 10,000 to 30,000 **coastwise** seagoing tug and barge merchant seamen have been or may be denied recognition upon application because actions taken by government agencies (prior to P. L. 95-202) have removed required eligibility records from being available to the veteran.

Findings 3: Commandant, USCG Ltr 5739 Ltr of 09 Apr 2010 states, "**The US Government did not issue mariner credentials to females during the World War II.**"

Findings 4: USCG Information Sheet #77 (April 1992) identifies **acceptable forms of documentation** for eligibility meeting the requirements pursuant to Schmacher V. Aldridge, 655 41(D.D.C 1987)

- a. Certificate of Discharge (Form 718A)
- b. Continuous Discharge Books (ship's deck/engine logbooks)
- c. Company letters showing vessel names and dates of voyages

Findings 5: Commandant USCG Order of 20 March, 1944 **relieves masters** of tugs, towboats and seagoing barges **of the responsibility of submitting reports of seamen shipped or discharged on forms 718A**. This action removes item (a) from the eligibility list in Findings 4.

Findings 6: USCG Information Sheet # 77 (April, 1992) further states "Deck logs were traditionally considered to be the property of the owners of the ships. After World War II, however, the deck and engine logbooks of vessels operated by the War Shipping Administration were turned over to that agency by the ship owners, and **were destroyed during the 1970s**". This action effectively eliminates item (b) from the eligibility list in Findings 4

Findings 7: Company letters showing vessel names and dates of voyages are highly suspect of ever existing due to the strict orders prohibiting even the discussion of ship/troop movement. Then consider item (c) of Findings 4 should be removed from the eligibility list. USCG Info Sheet # 77, page 2 refers

Findings 8: Excerpts from Pres. Roosevelt's fireside Chat 23: On the Home Front (Oct. 12, 1942): "In order to keep stepping up our production, we have had to add millions of workers to the total labor force of the Nation. "In order to do this, we shall be compelled to use older men, and handicapped people, and more women, and even grown boys and girls, wherever possible and reasonable, to replace men of military age and fitness; to use their summer vacations, to work somewhere in the war industries." Underage combatants had served in all of America's wars from the time of the Revolution. The unknown number who served in the Second World War perpetuated that legacy. They served with distinction and valor, and indisputably demonstrated that, despite their age, they could serve as well as those around them.

Findings 9: Post the Revolutionary War; many Acts of Congress were enacted to provide pensions to those veterans applying for support. Thousands of servicemen were without documented service and remained without any viable means to prove service. Excerpts from documents retained at the NARA provide: Generally the process required an applicant to appear before a court of record in the State of his or her residence to describe under oath the service for which a pension was claimed. This establishes precedence for using certified oaths in conjunction with the Social Security documents as alternative documentation.

Findings (10): US CG Official Shipping/Discharge documents (Forms 718A) were obtained from the National Archives and Records Administration, Wash. DC through the superb support of Mr. Mark Mollan, WW II Senior Archivist, that contained information proving Active Duty (AD) services for some WW II coastwise barge and tug Merchant Mariners. Together with additional information obtained via a FOIA request to the National Maritime Center, research brought forth additional information. **Research** conducted between **June-August 2013, in concert with the NMC**, using official records of 1172 coastwise merchant mariners and the USCG Merchant Marine Casualties of WW II report of 1950 revealed the following:

WW II Coastwise Mariners Listing: Excel Sheet #1

- 1172 Mariners identified via official USCG Shipping/Discharge Forms 718A
- 84 Mariners may be women according to their feminine sounding names; OR 7.2%
- 1058 Mariners' ages were specified. Ages ranged from 10 to 78.
- 583 Mariners identified within draft age and included those in 4F status; OR 55.1% of known ages.
- 525 Mariners identified at over the draft age of 37; OR 49.6% of known ages.
- 114 Mariners with age not specified; OR 9.7%
- 47 Mariners who served were under the age of 17; OR 4.4% of known ages.
- 16 Mariners KIA with 1 receiving DD Form 1300.

National Maritime Form DD 214 Listing: Excel Sheet #2

- 794 Mariners were identified on NMC Coastwise Mariners listing identifying Active Duty services.
- 291 Mariners on NMC listing had no USCG MMLD numbers listed; OR 36.6%
- 85 Mariners issued DD Form 214 from NMC listing, OR 10.7% of NMC; OR 7.2% of WW II CMM

Merchant Marine KIA & MIA Casualties from all causes = 9521 * (usmm.org)

- 5662 Mariner Casualties from USCG per 1950 Report * (USCG 1950 casualty report)
- 3859 Mariner Casualties from Other Sources * (Additional sources = Art. Moore and US Congress)

Merchant Marine Casualties recognized by all sources = 414

344 Mariner Casualties from USCG 1950 Casualty Report * (USCG 1950 casualty report)

70 Mariner Casualties from NMC report & not listed on USCG 1950 Casualty List * (NMC DD 1300 Report)

1 Mariner in NMC DD 1300 files as having received Form DD 1300 yet 16 identified on WW II CM listing

Rationale: 9521 Merchant Mariners KIA or MIA serving and **only 414** receiving Veteran status.

Findings 11: The USCG cannot provide a true estimate of merchant mariners serving in WW II. GAO/HEHS-97-196R refers. Estimates range from 250,000 to 410,000 from recognized historians. None of these historians were aware of these 10,000 to 30,000 coastwise merchant seamen where many served without proper credentials and were not included in above estimates. **Some were elderly handicapped; others women and some were school children** who served in billets, drew wages and paid taxes. They served on the same vessels in the same hostile war zones and performed the same services alongside others who were documented. **Yet, only about 91,000 merchant mariners have been recognized as veterans with just 1192 of these veterans in receipt of compensation or pension benefits the VA refers.** This is a vast disparity in ratio of the other service branches.

Findings 12: DOD and NARA Agreement N1-330-04-1 of Jul, 08, 2004 puts in place a procedure to transfer military personnel files of individuals from all services, (including civilian personnel or contractual groups who were later accorder military status under the provisions of Schumacher, Willner, et al, V. Secretary of the Air Force Edward C. Aldridge, Jr 665 F Supp 41 (D.D.C 1987). This agreement affects military personnel records of individuals 62 years after separation from service. Action has taken place for all **except** the US Merchant Marine IAW above court order. This **inaction** by the **Department of Homeland Security via (COMDT USCG)** has caused many of the mariners to have **gone unrecognized** for their services. Many seafarers have passed without ever gaining recognition or benefits and soon all will be History. National Personnel Records Center estimate there are between 1400 to 2500 Cubic feet of Shipping/Discharge documents being stored at the NARA district offices and NMC yet to be transferred to the National Personnel Records Center in Branson, Missouri. Many seafarers have passed without ever gaining recognition or benefits and soon all will be History. NMC cites **about 91,000 out of 250,000 to 415,000 have ever received recognition** as veterans with many unable to gain access because of age and health condition requiring assistance for others outside family. Had compliance taken place, these records would have been available to all and providing the mariner a chance to being recognized many years ago and enjoying the benefits awarded to them via court order.

Whereas: (1) By court order, Schumacher v. Aldridge 665 F Supp 41 (D.D.C. 1987) **provided for veteran status** to certain US Merchant Marine seamen during WW II (07 December, 1941 to 31 December, 1946) with the same benefits accorded all veterans as administrated by the Veterans Administration. There were **no provisions** for the elderly handicapped, women or schoolchildren to even be considered for their services as mariners serving anywhere within the US Merchant Marine providing an avenue to veteran status.

Whereas: (2) The USCG Information Sheet #77 of Apr. 1992 identifies specific criteria to be used to prove active duty performed by an individual seaman for the purposed of attaining veteran status and findings (5), (6) & (7) identified specific **official government actions** that **removed** these particular documents from the reach of the mariner and **clearly identifies the requirement** to put in place a method of utilizing **alternative** documentation and other approved methods to take the place of specific documents removed from use by the government actions cited in this document.

Whereas: (3) Women **were removed** from ships at the onset of WW II and not allowed to serve in any capacity by direction of the War Shipping Administrator, Admiral Emory S. Land. The Captains of the Ports (USCG COTP) were given specific directions to **deny** official USCG maritime credentials to any woman requesting them. They **served but without official credentials** in every capacity on most vessels. Families were the sole crew on many barges throughout the WW II and afterwards. Companies **welcomed this** arrangement because **critical** crew replacements were **reduced** considerably and allowing those barges to move the bulk war materials more quickly freeing the more abled bodied seaman and provided the opportunity to man the larger seagoing ships taking vital supplies to troops on all the fronts, keeping the enemy from our doors. A **win win** situation vital to war defense. **To date** there is **no law or other avenue** recognizing women as veterans of the US Merchant Marine during WW II

Whereas: (4) President Roosevelt's speech of 12 Oct, 1942 **puts in place the use of elderly and handicapped individuals, school children and women in an effort to support war efforts** by replacing men of military age and fitness, and in stepping up our production of war materials for those on the front lines. Women, the elderly disabled and schoolchildren entered the varied war defense plant services in droves and many found their way into the coastwise barge and tug trades as well.

Whereas: (5) DOD & NARA Agreement N1-330-04-1 of July 08, 2004 **provides for the transfer** of military records to the National Personnel Records Center, St. Louis, MO for use as archival records, open to the public. But **inaction by the DHS for the mariner in over 10** years has caused the veteran loss of due access of his records that may have accorded him recognition as a veteran. Recommend Congressional inquiry into delay of WW II Merchant Mariners personnel records.

Whereas: (6) Previous bills HR 1288, now HR 2189 and S-1361 would have provided for **alternative records** to be used in place of **records lost, destroyed or denied** for coastwise seamen affected and allowed women and school children be recognized for their services rendered for the first time ever. **No laws** in place to allow for resolution. Note: **S 1361** was incorporated into **S 1950** and then **S 1982** but **reduced to a 90 day Process Review**, thereby losing its effectiveness to recognize any of the coastwise mariners. Both bills were rejected by the Senate. A review of the Process is **not** warranted or necessary. Both Bills S 1950 and S 1982 were rejected by Senate vote.

Whereas: (7) The elderly disabled, children and women have served in every war this nation has ever known. Most have served without recognition but history is replete with actions of young children stepping up to serve, some receiving our highest honors and others serving in our highest ranks of service, congress and the presidency; e.g. President Andrew Jackson (age **13**); America's first Admiral, David Glasgow Farragut was appointed a midshipman at age **9** by

President James Madison; Willie Johnson (age 11) was recipient of the Medal of Honor; Albert Cohen of Memphis TN who enlisted at age 11 & KIA age 15. History is laced with children defending this nation and Coastwise Mariners had their fair share of them. **Findings #9 & #10 provide support info.**

Whereas: (8) Although they served gallantly and with honor, actions taken against those that were elderly and disabled, school children and women by denying them official credentials during WW II is considered **discrimination** today.

Whereas: (9) The House Bill HR 2189 contains the original wording as proposed and offers alternative methods of recognition for these Coastwise Mariners from WW II. The proposed Senate Bill S 1982 will only **review** the process used to determine whether an individual performed service under honorable conditions that satisfies the requirements of a coastwise merchant seaman who is recognized as having performed active duty service under the court ruling via Schmacher, Willner, et al, V. Secretary of the Air Force Edward C. Aldridge Jr 665 f Supp 41 (D.D.C.1987). There are no considerations in any **existing** legislation that provides for women who served, under aged schoolchildren or elderly handicapped seaman any avenue to attain veteran status. **Nor** is there a current avenue to use alternative methods of recognition or other actions that have proved effective in past wars for use in lieu of documents that were denied and/or destroyed by several specific official government actions.

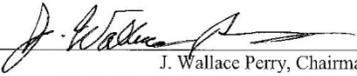
Whereas: (10) A Process Review of 90 additional days can only **conclude** that in order to correct this significant oversight, legislation will still be required to allow for alternative documentation and other actions that will lead to recognition as veterans for these WW II coastwise merchant mariners. By the time the study is over the 113th congress will have expired and all is lost and back to the beginning; thereby again losing precious lives who may gain recognition if **HR 2189 is allowed to move forward. Notwithstanding cost associated with a study.**

The following actions are recommended:

(1) Initiate congressional actions to: Provide sufficient response to support Merchant Mariners' provisions of HR 2189 (with wording intact to insure all coastwise barge and tugboat mariners who served during WW II (regardless of age, gender or disability) are recognized as veterans in accordance with or similar to: court ruling via Schmacher, Willner, et al, V. Secretary of the Air Force Edward C. Aldridge, Jr 665 F Supp 41 (D.D.C 1987, **granting veterans status.**

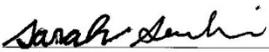
Now, therefore, be it resolved that the Bertie County Board of Commissioners hereby supports the efforts on behalf of the World War II Coastwise Merchant Mariners and urges our Representatives in the Senate and the House to pass legislation to approve the above findings and recommendations.

Adopted this the 21st day of April, 2014.



J. Wallace Perry, Chairman
Bertie County Board of Commissioners

ATTEST



Sarah Seredni,
Clerk to the Board

APPOINTMENTS

Public Hearing – Manufactured Home Park Ordinance

Chairman Perry opened the Public Hearing on the Manufactured Home Park Ordinance.

Planning Developer Traci White was asked to provide a summary of the current draft of the Manufactured Home Park Ordinance.

The latest draft of the ordinance is as follows:

MANUFACTURED HOME PARK ORDINANCE

FOR

BERTIE COUNTY, NORTH CAROLINA

REVISED DRAFT APRIL 2014

ARTICLE I INTRODUCTORY PROVISIONS

Section 101 Title

This Ordinance is entitled the *Bertie County Manufactured Home Park Ordinance* and may be cited as the *Manufactured Home Park Ordinance*.

Section 102 Authority & Purpose

This ordinance establishes regulations for manufactured home parks within Bertie County, North Carolina, and provides for the administration, enforcement, and amendment thereof. The provisions of this ordinance are adopted under authority granted by the General Statutes of North Carolina. (G.S. 153A-121)

Whereas, in order to promote the health, safety and general welfare of the citizens of Bertie County, North Carolina; to provide for the orderly development of planned manufactured home and travel trailer parks and to abate any conditions detrimental to the public health, safety, and general welfare or any nuisances, real or imagined, associated with such parks, it is desirable and necessary to adopt the Manufactured home park Ordinance for the territorial jurisdiction of Bertie County as herein set forth.

Section 103 Jurisdiction

Upon adoption, this ordinance shall govern every new manufactured home park or any additions to existing manufactured home parks and travel trailer parks lying within Bertie County except those lands lying within the jurisdiction of any municipality, unless the municipality shall, by resolution, formally requested the County to enforce this Ordinance within its jurisdiction.

Section 104 Compliance with Other Official County Plans

Proposed manufactured home parks must comply in all respects with the rules and regulations of the Bertie County Water District(s) and with all other officially adopted plans in effect in the jurisdiction.

ARTICLE II DEFINITIONS

Section 201 General

For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows:

Section 202 Word Interpretation

For the purposes of this Ordinance, certain words shall be interpreted as follows:

- a) The word “may” is permissive.
- b) The words “shall” and “will” are mandatory.
- c) The present tense includes the future tense and the future tense includes the present tense.
- d) The singular includes the plural and plural includes the singular.
- e) The word “county” shall mean Bertie County, North Carolina.
- f) The words “Planning Board” shall mean the Bertie County Planning Board.
- g) The words “County Commissioners” shall mean the Bertie County Board of Commissioners.
- h) The word “person” includes firm, association, organization; trust, company, corporation, or any legal entity as well as an individual.
- i) The words “used” or “occupied” include the phrases: “intended to be occupied or used”; “designed to be occupied or used”; or “arranged to be occupied or used”.

Section 203 Definitions

All weather, paved road – A road that is suitable for light traffic under all weather conditions and that meets the paved surfacing requirements of the North Carolina Department of Transportation.

Developer - Any person or other legal entity engaged in the development or the proposed development of a manufactured home park.

Enforcement Officer - The enforcement officer for Bertie County shall be the Planning Director or designated representative.

Farm – singularly or jointly owned land parcel or contiguous parcels on which agricultural operations are conducted as the substantial use. Agricultural operations include but are not limited to cultivation of crops, the husbandry of livestock, and forestry.

Manufactured Home – A structure that:

1. consists of a single unit mainly assembled at the factory or two (double-wide) or three (triple-wide) principal components mainly assembled at the factory and joined together at the site;
2. is designed so that the total structure (or in the case of a double-wide or triple-wide, each component thereof) can be transported on its own chassis;

3. is designed to be used as a dwelling and provides complete, independent living facilities for one family; and
4. is not permanently attached to a foundation.

A structure otherwise defined herein as a manufactured home is permanently attached to its foundation if:

- a. the foundation was constructed in such a way or at such expense as to make it unlikely that the manufactured home placed upon it will later be moved; or
- b. if the manufactured home cannot be removed from the foundation without great expense or severe damage to the structure.

Tie downs and other related requirements of this ordinance do not constitute permanent attachment.

Manufactured Home Space – A piece of land within a manufactured home park whose boundaries, design, and improvements are in accordance with the requirements of ordinance to accommodate a single manufactured home.

Manufactured Home Park – A parcel of land containing two or more manufactured home spaces for the rental purpose for accommodating manufactured homes for occupancy.

Manufactured Home Pad – That area of a manufactured home space that has been reserved and prepared for the placement of a manufactured home.

Operating Permit – A permit issued by the Enforcement Officer to the owner or operator of a manufactured home or travel trailer park whose design, specifications and improvements comply with the requirements of this ordinance.**Street, Private** - A street that has not been accepted nor planned for acceptance by North Carolina Department of Transportation or other governmental entity.

Street, Public - A right-of-way dedicated and accepted by North Carolina Department of Transportation or other governmental agency for public vehicular traffic.

Structural Additions – Any roofed, canopied, enclosed porch or room which is physically attached to a manufactured home. A concrete slab with no roof or walls shall be considered a structural addition.

Tract – Any parcel of land whose boundaries have been described or delineated legally and recorded in the office of the Register of Deeds.

Travel Trailer – A wheeled vehicular structure built on a chassis, designed to be used as a temporary dwelling for travel or recreational purposes, having a body width not exceeding 8 feet. This is also intended to include structures mounted on auto or truck bodies that are generally referred to as campers.

ARTICLE III PROCEDURES FOR SUBMISSION, REVIEW AND APPROVAL OF MANUFACTURED HOME PARK PLATS

No person may locate, or cause to be located, or allow more than one manufactured home with no direct access to an existing public street for rental to be located on a tract of land under his ownership, possession or control, unless the tract of land is an approved and licensed manufactured home park. This ordinance shall not apply to manufactured homes that are being used for a bona-fide farm purpose as defined in this ordinance.

Section 301 Review Process

The plan shall be reviewed by the Enforcement Officer and/or other members of the county staff for compliance with this ordinance, with other applicable state statutes, and county ordinances. The Enforcement Officer will distribute prints of the proposed park to any governmental agency or agencies having a specific interest in the plat for their comments or recommendations, including where applicable but not limited to the Bertie County Environmental Health Department, the Land Resources Division of the North Carolina Department of Environment and Natural Resources, the Division of Coastal Management, and the USDA Natural Resources Conversation Service.

The Planning Board shall approve or disapprove the manufactured home park plan within 90 days of the date at which the plan is first considered by the Planning Board.

If the Planning Board disapproves the plan, it shall be stated in writing the reasons for such action, specifying the provisions of this ordinance with which the plan does not comply. Appeal of the Planning Board ruling shall be by petition to the Board of Commissioners to be heard at a regularly scheduled meeting; Appeal to the Board of Commissioners decision shall be to a court of competent jurisdiction. Written notice of appeals must be petitioned with the Board of Commissioners within thirty (30) days of receipt of disapproval notice.

The approval of a manufactured home park plan shall not be deemed to constitute or affect the acceptance by Bertie County of any dedication shown on the plan. However, the Board of Commissioners, by resolution, may accept any dedication made to the public of lands or facilities for parks or other public purposes, when the lands or facilities are located within its regulatory jurisdiction. Acceptance of dedication of lands or facilities located within the regulatory jurisdiction shall not place on Bertie County any duty to open, operate, repair or maintain any land or facility.

Section 302 Submission of Plat

It is recommended that the developer meet with the Enforcement Officer to discuss plans and ideas pertaining to the development of or to the addition to a manufactured home park.

The developer shall submit fifteen (15) copies of the manufactured home park plat, eighteen by twenty-four inches (18" x 24") in size, and any supplementary material to the Enforcement Officer a minimum of twenty (20) business days prior to the regularly scheduled Planning Board meeting at which said plat is to be considered. The developer shall also include with the submittal one (1) reduced copy of the plat of eleven by seventeen inches (11" x 17") in size. Upon submission of the plat, the developer shall pay a processing fee to Bertie County in accordance with the approved fee schedule adopted by the Bertie County Board of Commissioners.

Section 303 Content of Plat

The plat shall be prepared by a registered surveyor or engineer and shall be drawn at a scale of 50, 100, or 200 feet to one inch and shall contain the following:

1. The location of existing and platted property, buildings, streets, railroads, bridges, culverts, watercourses, transmission lines, sewers, drainage ditches, drain pipes, water mains, town and county boundary lines, and other public utility easements.
2. Existing and platted streets on adjoining property shall be illustrated.
3. Boundaries of tracts shown with bearings, distances, and closure.
4. Wooded areas, pond or lakes, streams or streambeds, marsh swamp, floodplain, and other physical conditions affecting the site.
5. Names of adjacent property owners or subdivisions.
6. Proposed streets, street names, rights-of-way, pavement widths, and approximate grades.
7. Locations of proposed street lights, if any, and utility lines (drainage or underground drainage, water, electricity, and telephone) showing connections to existing supply systems. In the case of water, the size of the lines must be shown. If a dumpster site is proposed, the location, size, number of dumpsters, type of screening material and proposed lighting must be shown.
8. The location, width, and purposes of other proposed rights-of-way or easements.
9. Proposed areas for recreational space, if any.
10. Proposed space lines, space and block numbers, and space dimensions.
11. Location of manufactured home pad, water & sewage disposal system, and the location of off-street parking and driveway areas.
12. Title, date of plat preparation, magnetic and true north arrows, graphic scale, the name of the township(s), county, and state in which the manufactured home park is located.
13. Name of owner, surveyor, or engineer, and the proposed name of the manufactured home park.
14. A vicinity map showing the relationship between the manufactured home park and the surrounding areas at a scale of not less than one inch to four hundred feet.

All plats shall contain the following certifications:

A. Certificate of Ownership and Dedication

I (we) hereby certify that I (we) am (are) the owner(s) of the property shown and described hereon, which is located in the jurisdiction of Bertie County and that I hereby adopt this Manufactured Home Park Plat with my free consent .

Owner(s) or Authorized Agent

Date

B. Certificate of Survey and Accuracy

I, _____ certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (deed description recorded in Book ____, Page ____, etc.) (other); that the error of closure as calculated by latitudes and departures is 1:____, that the boundaries not surveyed are shown as broken lines platted from information found in Book ____, Page____, that this map was prepared in accordance with G.S. 47-30 as amended. Witness my hand and seal this ____ day of _____, 20____.

Registered Surveyor or Professional Engineer

C. Private Roads Disclosure Statement

The maintenance of the private streets on this plat will be the responsibility of the property owner/developer. Private streets as shown hereon were not constructed to the minimum standards required to allow their inclusion, for maintenance purposes, on the North Carolina highway system. The North Carolina Department of Transportation will not maintain any private road shown on this plat. *(Note: This statement shall not serve as a substitute for any other statutory disclosure requirements.)*

Owner(s) or Authorized Agent

Date

D. Certificate of Approval

I hereby certify that the manufactured home plat shown hereon has been found to comply with the Bertie County Manufactured & Mobile Home Park Ordinance and that this plat has been approved by Bertie County.

Bertie County Planning Director

Date

ARTICLE IV
SPECIFICATIONS FOR MANUFACTURED HOME PARKS

Section 401 General Provisions

Any land within the jurisdiction of this ordinance determined by the Bertie County Floodplain Administrator to be located within special flood hazard Zone A or AE, manufactured home park development will be prohibited. Such land may be set aside for uses that will not be endangered by periodic or occasional flooding.

Section 402 Interior Streets

All new manufactured home spaces, whether in a new development or in the expanded area of an existing manufactured home park, shall abut upon a hard, paved surface road that is built to meet the NC DOT Road Standards for paving. All manufactured home spaces shall have driveway access to said paved surface road. All interior drives, walkways, and parking spaces shall be constructed and maintained by the owner.

Streets shall be a minimum of sixteen feet (16') in width constructed to meet N.C. Department of Transportation Road Standards for paving regarding the base soil type, surface material and ABC base for thickness, density, gradation and asphalt content. Design and construction shall be certified by a registered engineer.

Permanent dead-end streets shall not exceed one thousand five hundred (1,500) feet in length and shall in a cul-de-sac. Measurement shall be from the point where the centerline of the dead end street intersects with the center of a through street to the center of the turn-around of the cul-de-sac. Where one cul-de-sac intersects with another cul-de-sac, the end of each cul-de-sac shall be no more than five hundred (500) feet from a through street, measured as stated above. The distance from the edge of the pavement on the vehicular turn-around to the right-of-way line shall not be less than the distance from the edge of the pavement to the right-of-way line on the street approaching the turn-around. Cul-de-sacs shall have a minimum radius of thirty-five feet (35')/minimum diameter of seventy feet (70').

Section 403 Street Names & Street Signs

Any new street, lane or drive that serves a manufactured home park shall be given a non-duplicative name to eliminate conflicts with emergency services and mail delivery. Each new proposed street name will be verified by the Tax Mapping office for duplication with other streets, lanes and drives in the county.

It shall be the responsibility of the owner or developer to install signs identifying streets at the intersections of all interior streets. Such signs shall meet or exceed specifications for street signs required by Bertie County Emergency Management.

Section 404 Off-Street Parking

Each new manufactured home space shall be provided with at least two (2) paved surfaced off-street parking spaces prior to the beginning of operations of the park. Each space shall be a minimum of twenty feet (20') long and ten feet (10') wide.

The Parking Area must be 20' x 20' with the driveway having a minimum width of ten (10) feet. These parking spaces must be approved, as to location and layout, by the Planning Board.

Section 405 Required Manufactured Home Space Area

Due to issues with septic systems throughout the county, minimum spaces sizes are similar to the minimum requirements of the *Bertie County Subdivision Ordinance*. These minimums are deemed necessary and crucial to the functionality of sewage disposal systems and are meant to allow for repair and replacement of systems if there are failures in the future.

The sizes of new manufactured home spaces shall meet standards of the Bertie County Environmental Health Division as follows:

Space Requirements:

	IMPROVEMENTS	AREA (SQUARE FEET)	SPACE WIDTH (FEET)
1.	Public water and sewer	10,000	80
2.	Public water and sewer; corner space	12,500	80
3.	Public water; soil classified suitable for septic tanks	15,000	90
4.	Public water; soil classified provisionally suitable for septic tanks due to drainage	20,000	100
5.	Public water; soil classified provisionally suitable for septic tanks due to characteristics other than drainage	30,000	140

Section 406 Drainage

All new manufactured home spaces shall be located on a well-drained and properly graded site. At a minimum, each manufactured home space must be properly graded to provide for adequate drainage of water with a minimum of one (1) inch increase in height per each ten (10) feet of distance from the side space line to the center of the space.

Section 407 Water Supply

If the developer is developing new spaces within the service area of the Bertie County Water System, the developer shall connect to the system owned and operated by Bertie County.

Plats shall be reviewed by the Bertie County Water Director and County Engineer to determine if public water service is available for the proposed manufactured home park. The Water Director and County Engineer shall review the following criteria when making the determination on the availability of public water service to the manufactured home park:

- A. Whether the water system with jurisdiction has/will have the capacity to serve the proposed manufactured home park.
- B. The distance and location of the proposed manufactured home park to the nearest available public water service.
- C. The number of spaces in the proposed manufactured home park with regard to the distance of the main water line to be constructed to the manufactured home park.
- D. Estimated cost of extending the water service to the manufactured home park regarding economic feasibility. (COST/DISTANCE/MANUFACTURED HOME PARK)

If public water service is determined to be available for the spaces in a new manufactured home park, the developer shall construct the new water service according to local and state specifications.

Construction plans for the proposed system shall be prepared by a registered engineer, materials and construction to be in accordance with the specification for the Bertie County Water System as prepared by the County Engineer, and submitted with the preliminary plat for approval by the Planning Board, Water Director and the appropriate State Agencies.

Water meters will be installed after the application has been made and required fees paid by the developer. The cost of the construction, connection and approval of the manufactured home park water system shall be paid by the developer.

The Bertie County Planning Board and/or the Bertie County Board of Commissioners may, in consultation with the County's Engineer, determine that certain improvements will be required for the County Water System due to the projected consumption of water when all proposed manufactured home park spaces are connected to the Bertie County Water System. The Bertie County Board of

Commissioners will require the Developers to make and pay for those improvements. The County Engineer will be the selected Engineer for the Construction Project unless otherwise approved by the Board of County Commissioners. The Engineer's Fee will be paid for by the Developer. **Section 408 Use Restrictions**

No part of any new manufactured home park may be used for non-residential purposes that may create any unusual noises, odors, or other offensive nuisances affecting residential living.

Section 409 Refuse Collection Facilities

Option 1: Individual, water-tight, covered refuse containers of not less than 30 gallon capacity shall be provided by the manufactured home park owner or operator at each manufactured home space. A concrete slab with a surface measurement of three feet by two feet (3' x 2') and a thickness of not less than four (4) inches equipped with a stand designed to hold the container in an upright and secure position shall be provided at each manufactured home space. The owner or operator of the manufactured home park shall arrange for commercial pickup for each manufactured home space occupant at a frequency of one or more pickups per week.

Option 2: If commercial pickup for each individual manufactured home space is not feasible, a dumpster shall be placed in a convenient area onsite for residents to place their garbage for a weekly pickup. The dumpster site shall be visually obscured by a fence or evergreen vegetative screen, but still remain easily accessible for residents to deposit refuse and for trucks that empty and haul the refuse away. Dumpsters shall be placed on a concrete pad.

Section 410 Lighting

Streets in the manufactured home park shall be illuminated with street lamps to enhance safety of residents. Streets shall be illuminated from one half-hour after sunset until one half hour before sunrise.

Street lamps shall be a minimum 175 watt mercury vapor lamp or equivalent (approximately 7000 lumen class) spaced at four hundred feet intervals.

Section 411 Recreational Areas/Common Areas

Common areas, whether recreational or simple open space, have been recognized as important to neighborhoods. To enhance the quality of life for park residents, recreational or common areas are required for manufactured home parks that have at least twenty-five (25) spaces. When the manufactured home park is located on a water-way, lake or pond, water access may be provided for residents if the area is properly posted.

Recreational and common areas shall provide reasonable access from an interior street. A street lamp in the recreational/common area will enhance safety.

All recreational areas shall have a minimum of 10,000 square feet per 25 spaces.

Section 412 Maintenance

Maintenance of all required improvements and amenities will be the responsibility of the park owner. The Enforcement Officer will inspect manufactured home parks periodically to ensure maintenance of the park is in good standing with the provisions of this ordinance.

ARTICLE V VARIANCE

The Planning Board may authorize a variance from these regulations when, in its considered and informed opinion, undue hardship may result from strict compliance due topographical or other conditions peculiar to the site. In granting any variance, the Planning Board shall make the findings required below, taking into account the nature of the proposed manufactured home park, the existing use of land in the vicinity, the number of persons to reside in the proposed manufactured home park and the probable effect of the proposed manufactured home park upon the contiguous properties, surrounding area, and traffic conditions in the vicinity. No variance shall be granted unless the Planning Board finds the following criteria:

- a. That there are special physical circumstances or topographical conditions affecting said property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land;
- b. That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner(s);
- c. That the circumstances giving rise to the need for the variance are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this ordinance;
- d. That the granting of the variance will not be detrimental to the public health, safety, and welfare or injurious to other property in the territory in which said property is situated;
- e. The need for the variance is not the result of a self-created hardship; and
- f. The need for the variance is not based on financial hardship or the financial interests of the developer or land owner.

Requests for variances shall be submitted in writing to the Planning Director for inclusion on the agenda for the next regular Planning Board meeting. Requests shall be submitted a minimum of seven (7) business days prior to the regular Planning Board meeting to allow time for adequate information to be acquired and reported to the Planning Board.

Appeal to the Planning Board's ruling on a variance shall be to the Bertie County Board of Commissioners. Request for appeal shall be filed within ten (10) days from the date of the Planning Board's ruling. The Board of Commissioners will hear the case to determine if the Planning Board:

1. Exceeded its authority or jurisdiction;
2. Acted erroneously;
3. Failed to use proper procedure
4. Acted arbitrarily or capriciously; or
5. Failed to act as required by law or rule.

Appeal to the Board of Commissioners' ruling shall be to a court of competent jurisdiction.

ARTICLE VI SEPARABILITY

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the ordinance as a whole, or any other part thereof other than the part so declared to be unconstitutional or invalid.

ARTICLE VII ENFORCEMENT

To verify compliance with the requirements of this Ordinance, at any time during normal operating hours, the Enforcement Officer or its designee may inspect each manufactured home park. The manufactured home park owner will then be given sixty (60) days from the date of notice to make any required corrections.

If corrections have not been made within the sixty-day period, a \$50 per day fine will be imposed by the Planning Board for Bertie County on the owner. The Planning Board or its Designee will then, with the assistance of the County Attorney, take all necessary steps to secure a court order requiring compliance by the manufactured home park owner. The Enforcement Officer will notify the Bertie County Building Inspector of the non-compliance. The Building Inspector will not allow any manufactured home setup permits within the park, including replacement for existing manufactured homes until the issue has been resolved.

ARTICLE VIII RECOMMENDATIONS AND SUGGESTED AMENITIES

The purpose of this article is to provide ideas and encourage good development practices that promote livable communities where people enjoy a better quality of life experience. Due to cost barriers of affordable housing, the following recommendations and suggestions are not requirements for approval of a manufactured home park plan. Discussion with the Planning Department and Planning Board are welcome to provide insight and ideas on these issues.

Maintenance of all recommended and suggested amenities, if provided, will be the responsibility of the park owner.

Section 804 Buffer Zones

A buffer strip may be provided around a manufactured home park to provide privacy, neighborhood beautification or to provide separation from an incompatible use on adjacent property.

Guidelines:

Five to twenty feet wide adjacent to each exterior property line densely planted

Suggested plant species include but are not limited to the following: (a) Wax Myrtle, (b) Photinia, (c) Euonymus, (d) Leyland Cypress

ARTICLE IX

EFFECTIVE DATE

This ordinance shall take effect and shall be in force on and after _____, 2013.
Duly adopted by the Board of Commissioners of Bertie County, North Carolina, this the
day of _____, 2014.

ATTEST:

J. Wallace Perry, Chairman
Bertie County Board of Commissioners

During the Public Comments section of the Public Hearing, Joe Hoggard of Sans Souci approached the Board with concerns about the ordinance being “too restrictive.” He stated that typically low-income individuals are owners or renters of manufactured homes, and that expecting each homeowner to abide by the ordinance rules as stated would be too expensive.

Mr. Hoggard stated that he understood regulation needed to be in place but that the current ordinance is not realistic.

After a lengthy discussion, the Board came to a consensus to have the Planning Board re-evaluate the ordinance so that it could be made less restrictive and costly.

Chairman Perry closed the Public Hearing.

Proposed new Bertie County Public School’s bus garage by Superintendent Elaine White

Superintendent White was present to let the Board see the current plans for a new bus garage that would serve the Bertie County Public School system.

In her presentation, Superintendent White stated that in February 2014, the Bertie County Board of Education voted to allot \$900,000 of their fund balance to the construction of a new bus garage for the district as the current facility is no longer adequate to maintain the current fleet.

The Board of Education then began working with Hite Associates of Greenville, NC to design a new building that would be located on County Farm Road in Windsor beside the school system’s current Maintenance Department.

During the planning process, the Board of Education was informed that additional space would be needed in order to park the buses for maintenance during the summer months.

Currently, the land that the Board of Education could develop as a fleet parking lot is owned by the County, and current State regulations do not allow school systems to build on land that they do not own.

Superintendent White asked that the Board consider donating a portion of County owned property to the Board of Education so that additional space can be made for parking the school system's fleet.

Commissioner Harrell asked Superintendent White if they had investigated contracting out the maintenance of schools vehicles, and stated that this work could be done more economically.

Commissioner Wesson inquired about the desire for the new bus garage on County Farm Road.

Superintendent White stated that she would research other contracting opportunities and explained to the Board that the County Farm Road site would not require as much funding or site work as some other locations.

After some discussion, the Board requested that Superintendent White send County Manager Sauer the new garage's floor plans and that more research be completed regarding location and cost of the new facility. Mrs. White expressed her willingness to examining the option of contracting out the maintenance of school vehicles as requested by the Board.

Superintendent White also reiterated her interest to the Board about the current Administration Office Building and asked if the County had made a decision about whether or not they would like to purchase it.

The Board stated that they had not made a decision on the matter but that they would provide the school system with an answer as soon as possible.

BOARD APPOINTMENTS

Voluntary Agricultural District Advisory Board

The Board discussed the Voluntary Agricultural District Advisory Board members currently seeking reappointment.

Vice Chairman Smith made a **MOTION** to reappoint Harold Lawrence, Jr., Joseph Leggett, Sid Copeland, Jr., and Jimmy Mizelle to the Voluntary Agricultural District Advisory Board for a term of 3 years. Commissioner Wesson and Commissioner Harrell **SECONDED** the motion. The **MOTION PASSED** unanimously.

Mid-East Regional Housing Authority

Commissioner Trent made a **MOTION** to reappoint Vivian Saunders to the Mid-East Regional Housing Authority Board for a term of 5 years. Commissioner Harrell **SECONDED** the motion. The **MOTION PASSED** unanimously.

Mid-East Commission

The Board reviewed a letter that was submitted from Mid-East Commission regarding their Commission's bylaws. The bylaws state that a minority must serve on the Board that is proportionate to the population in the region.

The correspondence also stated that the above requirement had not yet been met and that the Commission was seeking recommendations from the Board to fill that requirement.

Commissioner Wesson recommended that Lewis C. Hoggard, III be recommended to fill the current vacancy on the Board.

Clerk to the Board Sarah Seredni was instructed to notify Mr. Hoggard of his recommendation and appointment to the Mid-East Commission Board via a letter.

CONSENT AGENDA

Approve minutes for Regular Session 4-7-14

Commissioner Wesson made a **MOTION** to approve the minutes for Regular Session 4-7-14. Vice Chairman Smith **SECONDED** the motion. The **MOTION PASSED** unanimously.

Accept minutes for Closed Session 4-7-14

Per a request by the County Attorney, the minutes for Closed Session 4-7-14 were deferred for approval until further notice.

Accept Tax Department Error Ledger – February 2014

County Manager Sauer recommended this item for approval.

Commissioner Harrell made a **MOTION** to accept the Tax Department Error Ledger for February 2014. Commissioner Trent **SECONDED** the motion. The **MOTION PASSED** unanimously.

Proclamation in support of National County Government Month – April 2014

Commissioner Harrell made a **MOTION** to proclaim support of National County Government Month in April 2014. Vice Chairman Smith **SECONDED** the motion. The **MOTION PASSED UNANIMOUSLY**.

The Proclamation reads as follows:



BERTIE COUNTY

106 DUNDEE STREET
 POST OFFICE BOX 530
 WINDSOR, NORTH CAROLINA 27983
 (252) 794-5300
 FAX: (252) 794-5327
 WWW.CO.BERTIE.NC.US

BOARD OF COMMISSIONERS
 J. WALLACE PERRY, Chairman
 CHARLES L. SMITH, Vice-Chairman
 RICK HARRELL
 JOHN TRENT
 RONALD "RON" WESSON

ADMINISTRATIVE STAFF
 SCOTT T. SAUER, County Manager
 SARAH SEREDNI, Clerk to the Board

BERTIE COUNTY BOARD OF COMMISSIONERS

Proclamation in support of National County Government Month - April 2014
 "Ready and Resilient Counties: Prepare. Respond. Thrive"

WHEREAS, the nation's 3,069 counties serving more than 300 million Americans provide essential services to create healthy, safe, vibrant and economically resilient communities; and

WHEREAS, counties build infrastructure, maintain roads and bridges, provide health care, administer justice, keep communities safe, run elections, manage solid waste, keep records and much more; and

WHEREAS, Bertie County and all counties take pride in their responsibility to protect and enhance the health, welfare and safety of its residents in sensible and cost-effective ways; and

WHEREAS, in order to remain healthy, vibrant, safe, and economically competitive, America's counties must be able to anticipate and adapt to all types of change; and

WHEREAS, through National Association of Counties President Linda Langston's Resilient Counties initiative, NACo is encouraging counties to focus on how they prepare and respond to natural disasters and emergencies or any situation that the counties may face, such as economic recovery or public health and safety challenges; and

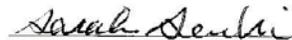
WHEREAS, each year since 1991 the National Association of Counties has encouraged counties across the country to actively promote their own programs and services to the public they serve; and

WHEREAS, Bertie County believes it important to be proactive in promoting ready and resilient communities through successful justice policies, practices and educational programs; and

NOW, THEREFORE, BE IT RESOLVED THAT WE, THE BERTIE COUNTY BOARD OF COMMISSIONERS, do hereby proclaim April 2014 as National County Government Month and do hereby encourage all Bertie County officials, employees, and residents to participate in County Government celebration activities.

This the 21st day of April, 2014.


 J. Wallace Perry, Chairman
 Bertie County Board of Commissioners


 Sarah Seredni, Clerk to the Board

Report from Finance Officer William Roberson

The Board reviewed a report from the Finance Officer. No action was taken.

DISCUSSION AGENDA CONTINUED

Mid-East Commission Interlocal Agreement, Resolution, and Building Floor Plan for a new facility

Commissioner Wesson recommended that the Board support the Interlocal Agreement and new facility for Mid-East Commission in Beaufort County.

Commissioner Harrell reiterated his concern of the building location and stated that more consideration should be made to find a more central location between all of the affiliated counties.

Commissioner Wesson reminded the Board that Mid-East Commission has offered to write grants for the County if they see any that are a good fit for the County, and stated that the Board should allow them to prove that.

Commissioner Harrell and Commissioner Trent stated that they are opposed to the project.

In response to Commissioner Harrell, Commissioner Wesson stated that he would hope Mr. Harrell's reasoning was not in spite of his feelings of Bertie County not receiving its fair share of funding from Mid-East Commission in the past.

Commissioner Harrell stated that his main concern was not "spite," and that the location of the new facility would present a large amount of permanence.

Commissioner Wesson also informed the Board that Bertie County was the only county who had not showed support for the new facility.

Chairman Perry asked Commissioner Wesson if Hertford County has approved this Resolution and if so, when was it approved.

Commissioner Wesson said that Hertford County had approved the Resolution at its last meeting.

After some discussion, Commissioner Wesson made a **MOTION** to support the Interlocal agreement and new facility. Vice Chairman Smith **SECONDED** the motion. The **MOTION FAILED** with Commissioner Trent, Commissioner Harrell, and Chairman Perry voting opposed.

Review and consider bids for contract mowing at remote Water Department sites

The Board reviewed a summary of all 13 bids that were received from contractors regarding the remote Water Department sites.

County Manager Sauer informed the Board of the lowest bid which was submitted by JDR LawnCare, Inc. of Williamston, NC, who has submitted a bid of \$23.00-\$25.00 per cutting.

After some discussion, the Board came to a consensus that the mowing services should be performed by a contractor located in Bertie County.

Commissioner Trent recommended one of the other bidders, Ray Jones of East Coast Pride in Bertie County, as he had the next lowest bid at \$38.75 per cutting.

Commissioner Trent made a **MOTION** to accept Ray Jones's bid of East Coast Pride in Bertie. Commissioner Harrell **SECONDED** the motion. The **MOTION PASSED** unanimously.

EMS operations update from Emergency Services Director, Mitch Cooper

Emergency Medical Services Director Matt Leicester was present for this portion of the meeting.

Mr. Leicester provided a detailed, 6 month EMS Status Report from October 2013-March 2014.

Mr. Leicester reported that the highest call volume received took place in March 2014 with 301 calls and the lowest volume of calls in February 2014 with 238 calls.

February 2014 also presented the best percentages of calls under 20 minutes at 97% with the lowest percentage of calls under 20 minutes being 91% in January 2014 (snow/ice presented more hazardous conditions).

Best chute times occurred in February 2014 with the overall average being 71.23 seconds. The worst chute times occurred in October 2013 with an average of 88.54 seconds.

Lastly, Mr. Leicester reported the strongest response times were experienced in March 2014 at an average of 9.64 minutes and the weakest response time occurring at an average of 11.05 minutes.

Mr. Leicester had to leave suddenly, due to an emergency 911 call received during his presentation.

County Attorney Smith was instructed to offer Capital One a sum of \$17,500 for the two ambulance vehicles as that is their appraised value for ambulances formerly owned by First Med and currently being used by Bertie County EMS.

Commissioner Wesson made a **MOTION** for the County Attorney to make an offer of \$17,500 for the purchase of 2 ambulance vehicles from Capital One. Commissioner Trent **SECONDED** the motion. The **MOTION PASSED** unanimously.

Emergency Services Director Mitch Cooper approached the Board with the current financials of the County owned and operated EMS system.

Mr. Cooper reported that the County had billed out a total of \$541, 276.60 with the County collecting a total of \$158,069.09 as of April 2014.

COMMISSIONER'S REPORTS

Commissioner Wesson informed the Board of many positive responses that he had received regarding the EMS system from multiple sources.

Commissioner Harrell expressed his appreciation for all of the support and prayers that he has recently received after the passing of his father. He thanked all of those present for their good thoughts.

There were no other reports given at this time.

COUNTY MANAGER'S REPORTS

County Manager Sauer reiterated to the Board that the Seymour Johnson Air Force Base Committee was still searching for elective representation from the County. The next meeting is May 8, 2014 in Goldsboro, NC.

Vice Chairman Smith requested additional information about the project from the County Manager.

COUNTY ATTORNEY'S REPORT

County Attorney Smith briefly discussed the current lawsuit between Steel Wagon and Innsbrook Golf and Mowing, LLC.

Mr. Smith informed the Board that he had completed his response to the lawsuit.

Mr. Smith also informed the Board that Sheriff John Holley had been served with a lawsuit from a client named Ferrer Echols. Mr. Smith reported that the case had since been dismissed as the plaintiff had not followed the proper rules of Appellate Procedure.

County Attorney Smith also requested that the Board go into Closed Session pursuant to N.C.G.S. 143-318.11(a)(3) to consult with the County Attorney in order to preserve the attorney-client privilege that exists between the attorney and this public body.

PUBLIC COMMENTS

Kashi B. Hall (formerly Kashi B. Nelson), Founding Executive Director of the Heritage Collegiate Leadership Academy, approached the Board regarding an update about the charter school's temporary location.

Mrs. Hall reported that, unfortunately, the contractor for the temporary facility had backed out of the project due to extenuating circumstances with the Town of Windsor's zoning regulations.

Mrs. Hall informed the Board that if another contractor was not found that the charter school would have to apply for a waiver from the State, which would delay the opening of the school for at least another year.

She stated that a window of 60-90 days is all the time that the charter school has right now before having to apply for a waiver from the State.

Commissioner Wesson suggested that he and other Commissioners could approach the Town of Windsor to discuss some type of agreement regarding the zoning of the proposed site at the Cashie Convention Center. Chairman Perry reiterated that the Board will work with her and encouraged her to follow up with the Town of Windsor on her request.

CLOSED SESSION

As per recommendation from the County Attorney, Commissioner Harrell made a **MOTION** to go into Closed Session pursuant to N.C.G.S. 143-318.11(a)(3) to consult with the County Attorney in order to preserve the attorney-client privilege that exists between the attorney and this public body. Commissioner Trent **SECONDED** the motion. The **MOTION PASSED** unanimously.

The Board goes into Closed Session.

Commissioner Harrell made a **MOTION** to return to Open Session. Commissioner Wesson **SECONDED** the motion. The **MOTION PASSED** unanimously.

OPEN SESSION

County Attorney Smith suggested that the Board consider an EMS Work Session in the near future.

The Board concurred.

ADJOURN

Chairman Perry adjourned the meeting at 9:28pm.