

Bertie County Board of Commissioners



February 20, 2017
5:00pm

	Ronald "Ron" Wesson	District 1
	Stewart White	District II
	Tammy A. Lee	District III
Chairman	John Trent	District IV
Vice Chairman	Ernestine (Byrd) Bazemore	District V



Bertie County

Board of Commissioners

ITEM ABSTRACT

MEETING DATE: February 20, 2017

AGENDA ITEM: Work Session #1

DEPARTMENT: Governing Body

SUBJECT: Closed Session -- N.C.G.S. § 143-318.11(a)(3)

COUNTY MANAGER RECOMMENDATION OR COMMENTS: Recommend approval.

SUMMARY OF AGENDA ITEM AND/OR NEEDED ACTION(S): Recommend approval.

ATTACHMENTS: No

LEGAL REVIEW PENDING: N/A

ITEM HISTORY: ---



Bertie County

Board of Commissioners

ITEM ABSTRACT

MEETING DATE: February 20, 2017

AGENDA ITEM: Work Session #2

DEPARTMENT: Governing Body

SUBJECT: Review Tax Office response to property line dispute

COUNTY MANAGER RECOMMENDATION OR COMMENTS: ---

SUMMARY OF AGENDA ITEM AND/OR NEEDED ACTION(S): ---

ATTACHMENTS: Yes

LEGAL REVIEW PENDING: N/A

ITEM HISTORY: ---

PRITCHETT & BURCH, PLLC

ATTORNEYS AT LAW
101 LAWYERS LANE – POST OFFICE DRAWER 100 – WINDSOR, NC 27983
Telephone (252) 794-3161- Facsimile (252) 794-2392
E-mail jhuddleston@windsorlaw.com

LLOYD C. SMITH, JR. * +
JONATHAN E. HUDDLESTON
LLOYD C. (CLIF) SMITH, III
PEGGY T. SMITH

J.A. PRITCHETT (1897-1986)
WILLIAM W. PRITCHETT, JR. (1944-2001)

*Certified Mediator
+Certified Family Financial Mediator

June 9, 2016

Iry T. Taylor, Jr
104 N. Whites Beach
Colerain, NC 27924

Re: Request by Iry T. Taylor, Jr. to Bertie County Tax Office to redraw common property line between Iry Taylor and Thomas Matthew Arvis

Dear Mr. Taylor,

This letter is to follow up on our meeting at the County Manager's office and our telephone conversation of June 7th regarding your above referenced request. You bought a tract of land 0.22 acres in size by deed dated August 12, 2002 which deed references a survey performed by Mark Pruden dated June 15, 2001. Then by deed dated May 21, 2004 you bought an adjoining tract of land containing 0.79 acres of land by reference to a survey dated May 18, 2004, also prepared by Mark Pruden. You later sold a portion of that land, which leaves a resulting parcel that is now shown on the Bertie County Tax Office maps as the parcel with the PIN ending in 7986. The boundaries of that parcel on the tax maps are exactly as shown in the combination of your surveys. Thomas Matthew Arvis and his wife Jenny Arvis took title to an adjoining tract of land with the PIN ending in 8971 by deed dated January 20, 2012. Mr. Arvis did not have a survey done. Rather, his legal description starts with 1942 survey of a much larger tract of land, which was lot #2 on the O.F. White Land Division survey, and then excepts out more than 20 lots, 2 of which are your two lots. Since Mr. Arvis owns whatever is left after all the other lots were sold from the original tract, his western boundary is formed by your eastern boundary survey.

You and Mr. Pruden have asked representatives of Bertie County Tax Office to remap a portion of your eastern boundary line to extend your boundary further towards the Chowan River into land mapped as being owned by Mr. Arvis. You say that this is required because you believe that you are entitled to ownership of an area of sand that has accumulated along your eastern boundary. The area that you speak of is on the Chowan River side of a 36.01 foot survey segment on your 2001 survey. You say that

in 2001 that survey segment was the high water mark of the Chowan River. You and Mr. Pruden gave me a copy of NCGS 146-6 which says that if any land is, by any process of nature or as a result of the erection of any pier, jetty, or break water, raised above the high water mark of any navigable water, title thereto shall vest in the owner of that land which, immediately prior to the raising of the land in question, directly adjoined the navigable water. You provided me with a succession of aerial photographs from the tax office showing the erosion and the accumulation of sand over the years. The dates of the aerial photographs you gave are 2002, 2009, 2010, and 2012.

You say that you are trying to sell your home and that you are having trouble convincing potential buyers that you own the accumulated section of sand that lies adjacent to your property because the accumulated sand that you can see in the aerial photograph is mapped in the tax office as being within the boundaries of the Arvis lot. The boundary lines shown by the tax office are determined by a collection of legal descriptions and deeds, wills, boundary line agreements and surveys that are in the chain of title and that have been recorded in the Office of the Register of Deeds or filed in the Office of the Clerk of Court. Aerial photograph overlays are provided as a service to the public so they can see structures and land features relative to the mapping lines. Please keep in mind that tax maps are simply an inventory of the land that the County taxes. When an aerial photograph is overlaid, the result is not designed to be a legal determination of who owns a particular building, tree or driveway. A legal determination can only come from a survey that is capable of being put on the ground and that is supported by documents in the chain of title. In your case, your claim doesn't come from anything in the chain of title. It comes from what has physically happened on the property over the years. In order for you to have sufficient evidence of ownership for the County to change its tax mapping lines, the law of raised land has to be applied to your set of facts and then a court judgment has to be rendered. If all you have is a new survey by Mark Pruden showing his opinion of what should now be yours, that is not enough.

The reason that is not enough is that there several determinations that have to be made under NCGS 146-6 before the owner that is adjacent to the raised land gets clear title. First, the statute gives the raised land to the adjoining owner if the land was raised by process of nature or as a result of the erection of any pier, jetty, or break water. If the land is raised by "act of man", except filling to reclaim lands that were lost by natural causes, then title to the raised land vests in the State of North Carolina. The County Tax Office has no way of knowing how the land was raised, and they don't have the resources to conduct the kind of investigation that would needed to make that determination.

Second, the statute requires a determination of how much of the land was raised above the high water mark. Only the land above the high water mark can be claimed by an adjacent owner. "High water mark" is a term of art in riparian rights law. It's dangerous for us to be throwing that term around. It's kind of like the term "wetlands" in that there is a set of criteria that has to be evaluated by someone who knows what they are talking about before you start drawing lines around it. There is nobody in the County Tax Office that is trained in that area.

Third, the statute also requires the determination of whose land adjoined the navigable water immediately prior to the raising of the land. For that determination, it's not just the current high water mark that has to be considered, but also the high water mark as far back as 2001. In order for you to be able to say that raised land is yours, it had to have been lost by Mr. Arvis first. Don't forget that in 2001, Mr. Arvis and his predecessors in title owned whatever land was located to the east of your 2001 survey. Specifically, we are talking about the area to the east of the 36.01 foot segment in your 2001 survey. The pre-2001 aerial photos show at least a 20 foot beach east of that segment. Some photos show more than that. Mr. Pruden says that by 2001 erosion had brought the beach back to that segment. I don't know if Mr. Pruden was measuring the low water mark or the high water mark, but for the sake of this letter we will assume he was showing the high water mark. First of all, that would be only his opinion of the location of the high water mark, and I don't know if he is certified or trained to be able to make that determination. Second, if there is any set of facts or any person who could testify that even a foot of sand existed above the high water mark to the east of that segment in 2001, and if that foot was never washed away, rather it only grew, then any raised land would be owned by Mr. Arvis. The County can't and shouldn't conduct the investigation required to figure that out.

I closely read the email from John Bridgers to Kevin. Mr. Bridgers is a very smart man and he provided some very good insight into NCGS 146-6 and how it could apply in a court of law to the facts in this case. However, Mr. Bridgers' conclusion is based on the assumption that there was no land above the high water mark east of your 36.01 foot survey segment. If a Judge or jury were to find that there was any such land then Mr. Bridgers' conclusion would be incorrect. None of the five aerial photographs that you gave me show any less than 20 feet of beach east of your 36.01 foot survey segment. The 2002 aerial photograph shows what looks to be at least 25 feet of land there. I find it hard to believe that in 2001 there wasn't some portion of that beach there. Again, even if Mr. Pruden can say it wasn't there, that's not enough for the County to rely on.

Consider also that another requirement of NCGS 146-6 is that even when all the above mentioned requirements are met, that still leaves the question of where to place the starting point of the line and at what angle to draw the line. Statute says that the raised land that vests in the adjoining owner includes only the front of the adjoining owner's tract and "shall be confined within the extension of this property line, which extension shall be perpendicular to the channel, or main water courses." Therefore, a determination would have to be made as to where the channel is located in relation to the raised land. There are too many angles there and not the right kind of equipment or riparian rights expertise in the tax office for the County to make that determination.

I am sorry that your prospective buyers are placing so much emphasis on the County tax map and aerial photo overlay in deciding whether to buy your property. I suggest that you hire your own attorney to review this matter and explain to prospective buyers all the reasons why you believe that you are the owner of the raised land. If that is not good enough for them they can get their own legal opinion, or you can take steps to clear up the title. That could be done with a boundary line agreement with Mr. Arvis that would reference a survey and be recorded in the Office of the

Register of Deeds. The County would accept that as sufficient to move the tax mapping line. Another option would be for you and Mr. Arvis to get a judge to decide the issue. The result of a case like that would be a judge's Order or Judgment which would reference a survey and a copy of which would be recorded in the Register of Deeds. The County would accept that as sufficient proof to move the line.

At one point during our conversation we talked about NCGS 146-6(e) which is a way that you could get a quit claim deed from the State for the raised land. That is great in dealing with prospective buyers or Mr. Arvis, but that would not be enough for the County to move the line because it's just the State saying they don't claim to it. It does not mean that Mr. Arvis would not still have a claim to it.

I hope that you see by this letter that the County Manager and I have given serious consideration of your request and that you understand now why the Tax Office can't change your line based on what you and Mr. Pruden presented. Let me know if you have any questions.

Sincerely,

PRITCHETT & BURCH, PLLC

Jonathan E. Huddleston

JEH/acm

CC: Scott Sauer
Bertie County Manager
Post Office Box 530
Windsor, North Carolina, 27983

Jodie Rhea
Bertie County Tax Administrator
Post Office Box 527
Windsor, North Carolina, 27983

JEH/ 16Letter- BertieCounty-IryTaylor16-MS-158 (acm)

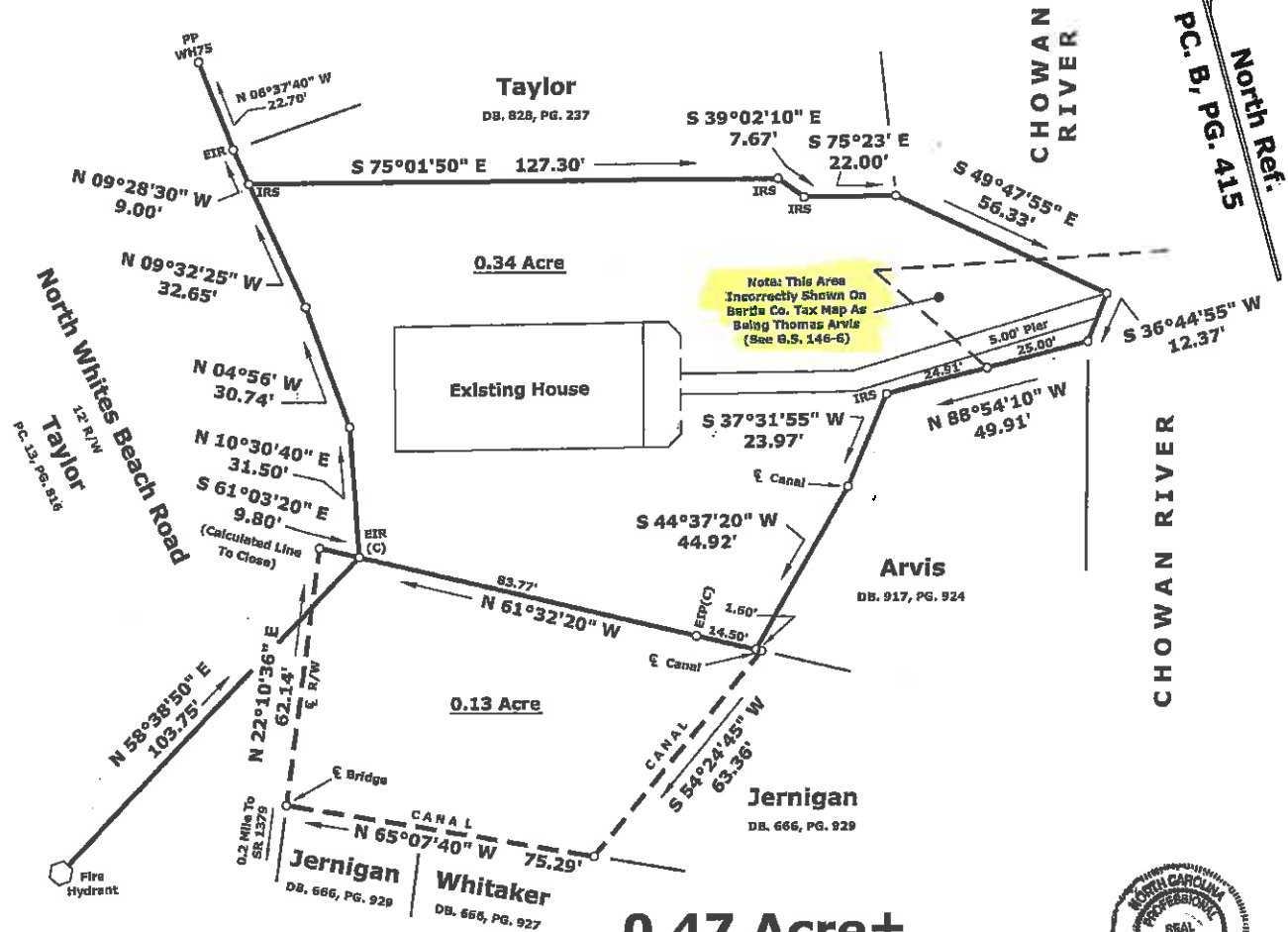
**Survey For
Iry T. Taylor Jr.
104 North Whites Beach Road
Whites Township, Bertie County
North Carolina**

Reference: Plat Cabinet A, Page 690; Plat Cabinet B, Page 415;
Deed Book 799, Page 464; Deed Book 828, Page 237-240
Scale 1 Inch = 20 Feet May 16, 2016

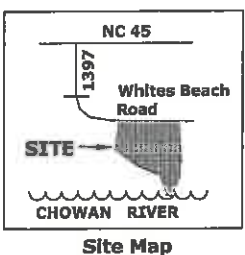
20' 0' 20' 40' 60'

Mark D. Pruden, PLS L-3065
146 Oak Grove Road, Edenton, NC 27932
This Plat Is Of A Survey Of An Existing Parcel.

Mark D. Pruden
Jaci R. White August 26, 2016
Bertie County Administrator



0.47 Acre±
By Coordinates



REVIEW OFFICER CERTIFICATE

STATE OF NORTH CAROLINA
COUNTY OF BERTIE
I, Traci White REVIEW OFFICER OF
BERTIE COUNTY, CERTIFY THAT THE MAP OR PLAT TO
WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY
REQUIREMENTS FOR RECORDING.
Jaci R. White August 26, 2016
REVIEW OFFICER DATE

LEGEND
IRS = IRON ROD SET
EIR = EXISTING IRON ROD
(C) = CONTROL
E = CENTERLINE
R/W = RIGHT OF WAY
PP = POWER POLE

STATE OF NORTH CAROLINA - CHOWAN COUNTY
I, MARK D. PRUDEN, CERTIFY THAT THIS MAP WAS DRAWN BY ME OR
UNDER MY SUPERVISION FROM AN ACTUAL SURVEY BY ME OR UNDER
MY SUPERVISION DEED DESCRIPTION RECORDED IN DEED BOOK
799 PAGE 464 Deed 828
MWP BOOK
PAGE 237 PLAT CABINET A SLIDE 690
THAT THE ERROR OF CLOSURE AS CALCULATED BY LATITUDES AND
DEPARTURES IS 10.000
THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN
LINES PLOTTED FROM INFORMATION FOUND IN DEED BOOK
PAGE MAP BOOK PAGE PLAT CABINET A SLIDE 690
THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS
AMENDED. WITNESS MY HAND AND SEAL THIS 13
DAY OF June 2016
Mark D. Pruden
Surveyor L-3065
Reg. No.



From: "John Bridgers" <jbridgers@sosnc.gov>
Date: February 2, 2017 at 4:38:57 PM EST
To: <lee4bertie@gmail.com>
Subject: Re: property question on the Chowan River

Attached please find a simple illustration I made to try to show how the ownership lines would change as the riverbank changed. I know exactly what I want to say. I'm not sure my illustration shows that.

Between 2001 and 2009, as the river bank shifted to the east, the property line between Mr. Taylor and Mr. Arvis on newly "created" land would have gone from the point where their mutual line had intersected the riverbank, perpendicular to channel of the river, to intersect with the river shore.

One of the questions that is often posed is, "Because the river bank is constantly shifting back and forth, is the county supposed to change the maps with each time the shore changes?"

Answer: "Even though the river is constantly changing, it is not practical to change the property lines daily or probably even yearly. However; because the NC general statutes do address the title of the land that has arisen because of accretion and the statutes should be recognized."

Another statement that comes up is (using the attached example,) "It isn't fair to Owner A, to not get his property back when the river shifted back to where it more or less originally was."

Answer: "It may not be fair, but it is the law. In fact, if parcel fronting the river or the ocean, had been totally eroded by the shore until there was nothing above the water level, the property behind that parcel would now be entitled to all of the new land that may subsequently arise above the water level. The original owner is just out.

Title to any land that previously abutted the river but was inundated because of erosion was extinguished in favor of the State of North Carolina since all land under navigable waterways is owned by the State of North Carolina.

Title to any "new" land that arises through the process of accretion belongs to the property owner that immediately adjoins the waterfront at the time the accretion begins, not to the historical owner that owned the property prior to the erosion.

While Mr. Taylor purchased his original parcel, in 2002, and the additional piece, in 2004. Mr. Arvis purchased his parcel, in 2012, the timing of their purchases does not matter so much as the location of the intersection of their mutual property line and the riverbank at the riverbank's most western point.

Wherever that point is, as the shore of the river was built up by the deposition of soil, their mutual property line would go perpendicular to the river channel to the intersection of the property line and shore line.

Your question of "How do you determine the rightful owner?" is not an easy one to answer and there may be nothing to absolutely show the answer is "thus and such."

I think with the information available from the aerial photography from 2002, 2009, 2010, and 2012, along with the surveys from 2001 and 2004 indicating the location of the riverbank, along with the guidance of GS 146-6, the determination can be made of the proper location of the property line between Mr. Taylor and Mr. Arvis.

John Bridgers

John B. Bridgers

Land Records Consultant

Land Records Management Division

NC Department of the Secretary of State

919-807-2207

>>> Tammy Lee <lee4bertie@gmail.com> 2/2/2017 2:16 PM >>>

Thank you for the power point presentation

The General Statute talks about the adjoining property owner. My question is both Mr. Taylor and Arvis property adjoins. Mr. Arvis seems to have joined prior to the jetty. So how is it determined who is the rightful adjoining property owner?

Tammy Lee

Bertie County Commissioner

On Feb 2, 2017, at 12:29 PM, John Bridgers <jbridgers@sosnc.gov> wrote:

Commissioner Lee,

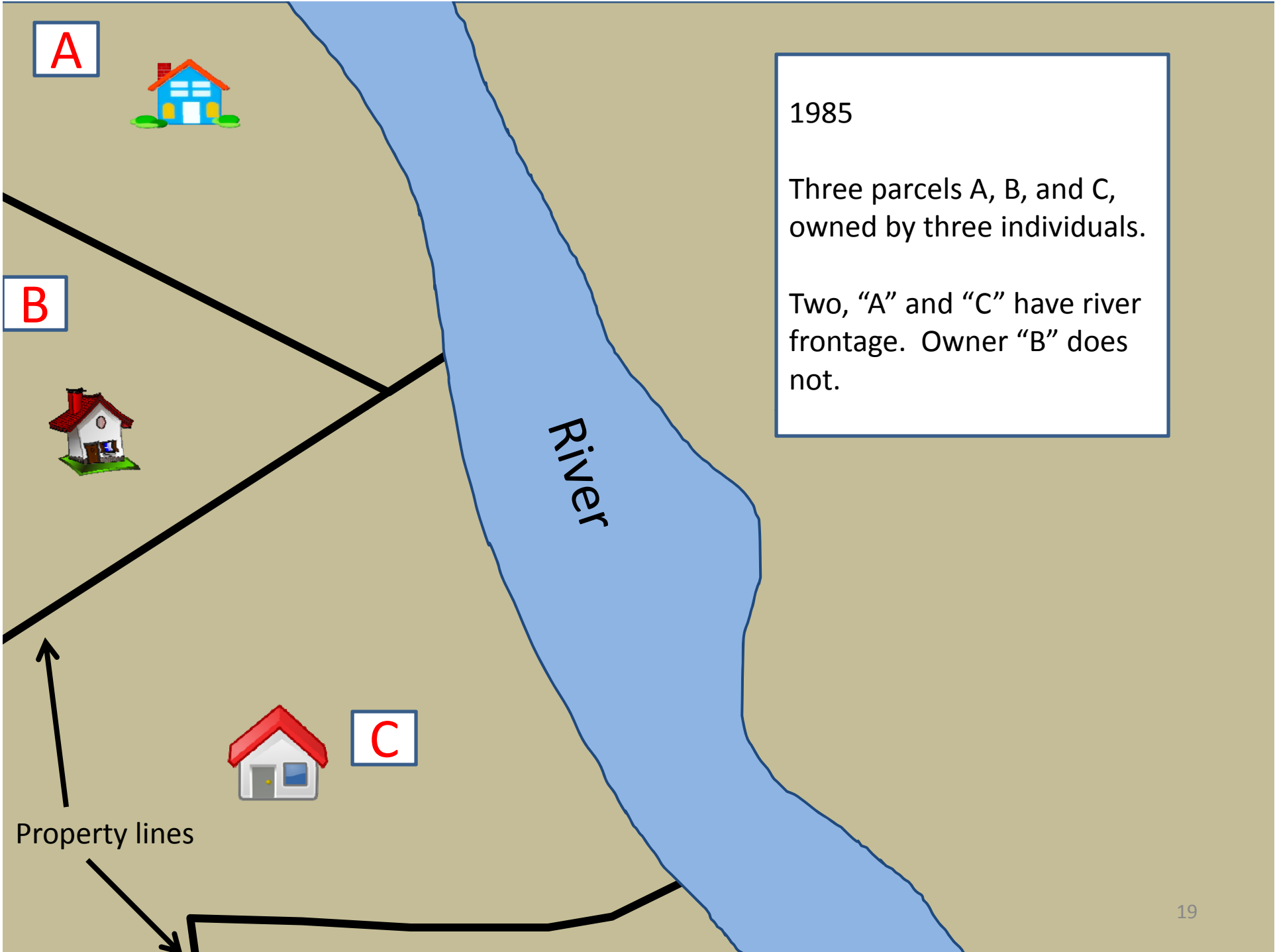
Attached please find the pages from my presentation on the question along the Chowan River.

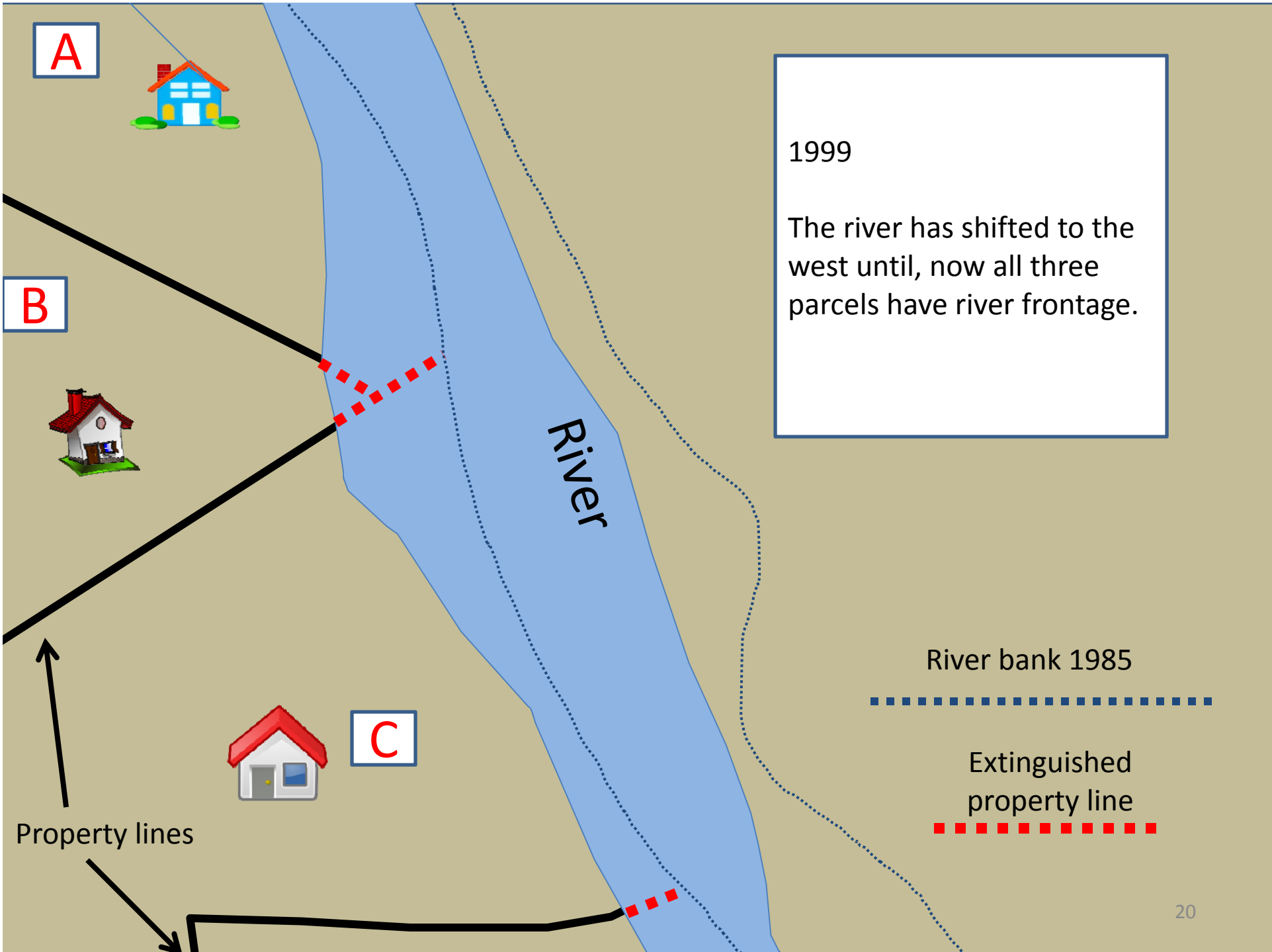
While preparing the presentation, I showed the individual names on the property and deeds since they are in the public record, but covered up the county name wherever it appeared to give some protection to the identity to the county employees.

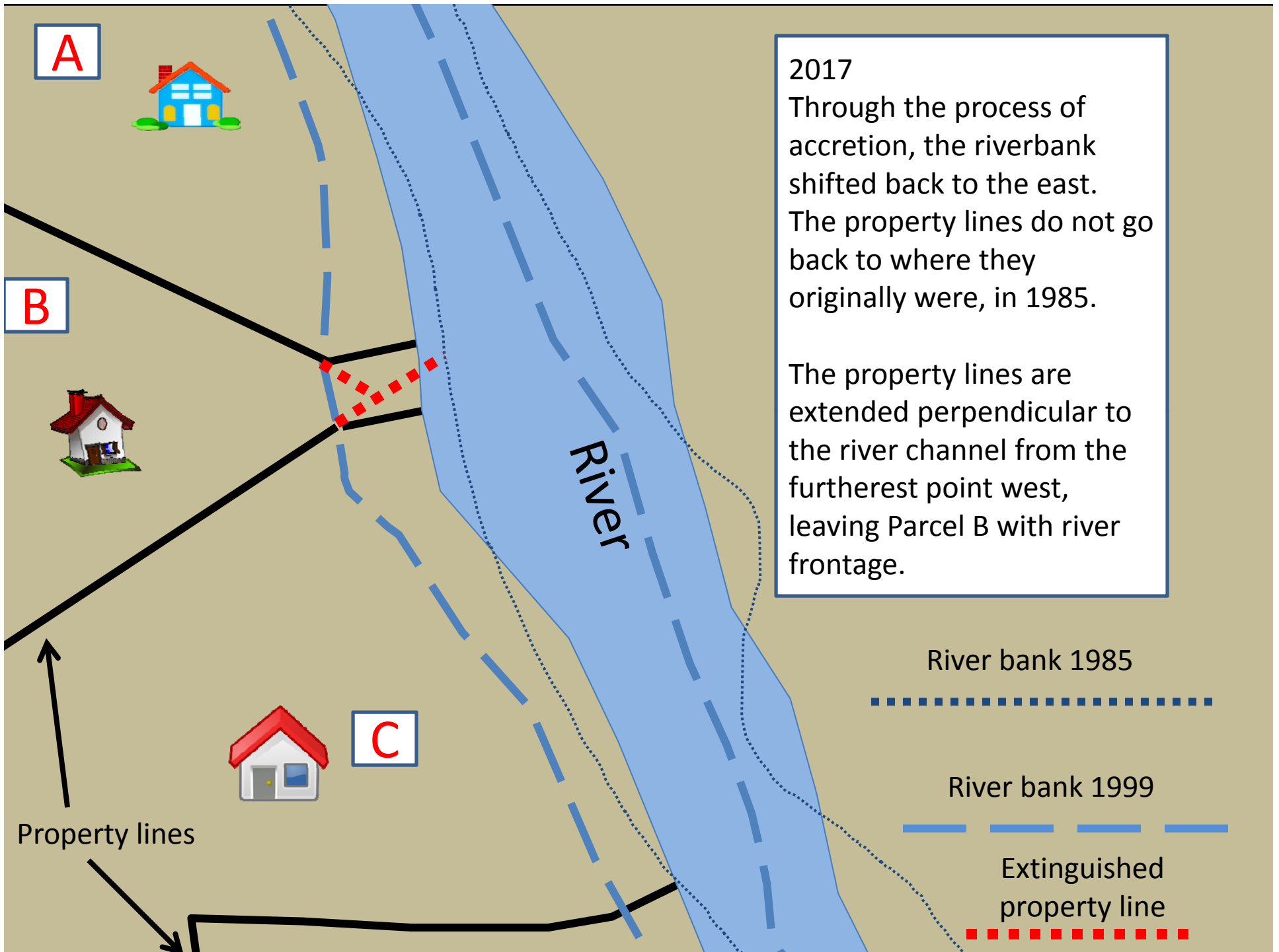
As with any powerpoint presentation, without hearing the presentation itself, sometimes the slides do not make a lot of sense. If you have a question about any of the slides, please feel free to give me a call.

John Bridgers

John B. Bridgers







2017
 Through the process of accretion, the riverbank shifted back to the east. The property lines do not go back to where they originally were, in 1985.

The property lines are extended perpendicular to the river channel from the furthest point west, leaving Parcel B with river frontage.

- River bank 1985
 (dotted blue line)
- River bank 1999
 - - - - - (dashed blue line)
- Extinguished property line
 - - - - - (red dashed line)

Bertie County Board of Commissioners



February 20, 2017
7:00pm

	Ronald "Ron" Wesson	District 1
	Stewart White	District II
	Tammy A. Lee	District III
Chairman	John Trent	District IV
Vice Chairman	Ernestine (Byrd) Bazemore	District V

BERTIE COUNTY BOARD OF COMMISSIONERS

February 20, 2017

Regular Meeting

This agenda is only a tentative schedule of matters the Commissioners may address at their meeting and all items found on it may be deleted, amended or deferred. The Commissioners may also, in their absolute discretion, consider matters not shown on this agenda.

5:00 Closed Session -- N.C.G.S. § 143-318.11(a)(3) – **Commissioners Room, Windsor**

5:30 Review Tax Office response to property line dispute

7:00-7:05 Call to Order and Welcome by Chairman Trent (**Community Building, Mid-Way/Merry Hill**)

7:05-7:10 Invocation and Pledge of Allegiance by Commissioner Wesson

7:10-7:25 Public Comments (*3 minute time limit per speaker*)

(A)

***** APPOINTMENTS *****

7:25-7:35 (1) Introduction of new Albemarle Regional Library Director, Jennifer Patterson

7:35-7:45 (2) Introduction of new Mid-East Regional Housing Authority Director, Lynn Allgood

Board Appointments (B)

1. There are no Board Appointments.

Consent Agenda (C)

1. Approve minutes for Regular Session 2-6-17
2. Approve minutes for Work Session 2-6-17
3. Tax Release Journal – January 2017

*****OTHER ITEMS*****

Discussion Agenda (D)

1. Review of Hurricane Matthew Recovery activities:
 - a. Resilient Redevelopment Planning Program
 - b. Golden Leaf
 - c. FEMA
 - d. CADA Workers provided through Mid-East Commission Workforce Development Board

Commissioners' Reports (E)

County Manager's Reports (F)

County Attorney's Reports (G)

Public Comments Continued

3 minute time limit per speaker

Closed Session

Pursuant to N.C.G.S. § 143-318.11(a)(3) to go into closed session to consult with the County Attorney in order to preserve the attorney-client privilege that exists between the attorney and this public body.

Pursuant to N.C.G.S. § 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, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations. The action approves the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session.

Pursuant to N.C.G.S. § 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.

Pursuant to N.C.G.S. § 143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of employment, 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.

Adjourn



Bertie County

Board of Commissioners

ITEM ABSTRACT

MEETING DATE: February 20, 2017

AGENDA ITEM: A-1

DEPARTMENT: Governing Body

SUBJECT: Introduction of new Albemarle Regional Library Director, Jennifer Patterson

COUNTY MANAGER RECOMMENDATION OR COMMENTS: FYI only.

SUMMARY OF AGENDA ITEM AND/OR NEEDED ACTION(S): FYI only.

ATTACHMENTS: No

LEGAL REVIEW PENDING: N/A

ITEM HISTORY: ---



Bertie County

Board of Commissioners

ITEM ABSTRACT

MEETING DATE: February 20, 2017

AGENDA ITEM: A-2

DEPARTMENT: Governing Body

SUBJECT: Introduction of new Mid-East Regional Housing Authority Director, Lynn Alligood

COUNTY MANAGER RECOMMENDATION OR COMMENTS: FYI only.

SUMMARY OF AGENDA ITEM AND/OR NEEDED ACTION(S): FYI only.

ATTACHMENTS: No

LEGAL REVIEW PENDING: N/A

ITEM HISTORY: ---



Bertie County

Board of Commissioners

ITEM ABSTRACT

MEETING DATE: February 20, 2017

AGENDA ITEM: C-1

DEPARTMENT: Governing Body

SUBJECT: Approve minutes for Regular Session 2-6-17

COUNTY MANAGER RECOMMENDATION OR COMMENTS: Recommend approval.

SUMMARY OF AGENDA ITEM AND/OR NEEDED ACTION(S): Recommend approval.

ATTACHMENTS: Yes

LEGAL REVIEW PENDING: N/A

ITEM HISTORY: ---

**Windsor, North Carolina
February 6, 2017
Regular Meeting**

The Bertie County Board of Commissioners met for their regularly scheduled meeting inside the Commissioners Room located at 106 Dundee Street, Windsor, NC. The following members were present or absent:

Present: Ronald "Ron" Wesson, District I
Stewart White, District II
Tammy A. Lee, District III
John Trent, District IV
Ernestine (Byrd) Bazemore, District V

Absent: None

Staff Present: County Manager Scott Sauer
Clerk to the Board Sarah S. Tinkham
Assistant/County Attorney Lloyd Smith
Finance Officer William Roberson
Network Administrator Joe Wilkes
Tax Administrator Jodie Rhea
Planning Director Traci White
Nuisance Abatement Officer Barry Anderson

Gene Motley of the Roanoke-Chowan News Herald was present from the media.

CALL TO ORDER

Chairman Trent called the meeting to order and thanked those present for their attendance.

INVOCATION/PLEDGE OF ALLEGIANCE

Chairman Trent led the Invocation and Pledge of Allegiance.

PUBLIC COMMENTS

Dr. Brian Busch, acting President at MCC at Martin Community College (MCC) was present to introduce himself to the Board. Mr. Busch thanked the Board for its continued partnership with MCC.

Battle Betts of Albemarle Regional Health Services was present to inform the Board of the health system's 75th year of service. Mr. Betts requested that the Board pass a resolution in honor of the achievement. Chairman Trent read the proposed resolution into the record. Commissioner Lee made a **MOTION** to approve the resolution. Commissioner Wesson **SECONDED** the motion. The **MOTION PASSED** unanimously.

The resolution reads as follows:

RESOLUTION OF RECOGNITION OF 75 YEARS OF PUBLIC HEALTH SERVICE

WHEREAS, Albemarle Regional Health Services will celebrate its 75th Anniversary of service to citizens of Pasquotank, Perquimans, Camden, Chowan, Currituck, Bertie, and Gates counties; and

WHEREAS, Albemarle Regional Health Services has rendered quality care to the citizens of the Albemarle region of care during its seventy-five years of operation; and

WHEREAS, Albemarle Regional Health Services is to be commended for its seventy-five years of outstanding service;

NOW THEREFORE BE IT RESOLVED by the Bertie County Board of Commissioners that Albemarle Regional Health Services be congratulated and offered the Board's sincerest appreciation for seventy-five successful years of dedicated service to the citizens of the Albemarle region.

Adopted this the 6th day of February 2017.

APPOINTMENTS

Presentation regarding NC 11/308 in Lewiston-Woodville by Jason Davidson, Division Traffic Engineer for NCDOT

Jason Davidson, Division Traffic Engineer for NCDOT, was present to update the Board on the study that had been conducted on the intersection of NC 11/308 in Lewiston-Woodville,

In the past, the Board had communicated interest to NCDOT about a traffic light at said intersection, and after review, Mr. Davidson was able to provide an update.

Mr. Davidson noted that a fully study had been conducted, and that NCDOT deemed that this intersection was not eligible for a stop light. However, he presented various examples of similar intersections in other counties that benefited from a four-way stop traffic pattern.

Chairman Trent commended Mr. Davidson and NCDOT for their work in looking into this matter, and also thanked him for the improvements that were made to various road way and ditch areas in the Indian Woods community.

In order to move forward with the proposed four-way stop, Mr. Davidson requested that the Board send a resolution of support to NCDOT.

Vice Chairman Bazemore made a **MOTION** for County staff to draft and send a Resolution of Support to NCDOT for a four-way stop to be implemented at the NC 11/308 intersection in Lewiston-Woodville. Commissioner White **SECONDED** the motion. The **MOTION PASSED** unanimously.

Per a question from Commissioner Wesson, Mr. Davidson stated that funding for this project should be received sometime in April, and the project could be completed sometime this summer.

The resolution reads as follows:

RESOLUTION IN SUPPORT OF A FOUR-WAY TRAFFIC CONTROL SYSTEM AT THE INTERSECTION OF NC 11/308 IN LEWISTON-WOODVILLE

WHEREAS, the Bertie County Board of Commissioners requested an NCDOT traffic study for the intersection of NC 11/308 in Lewiston-Woodville on the evening of May 23, 2016 at the Blue Jay Fire Department in Indian Woods; and

WHEREAS, the NCDOT Division Engineer has presented recommendations to improve safety for motorists and vehicular traffic at the intersection of NC 11/308 with the installation of a four-way stop traffic control system; and;

NOW THEREFORE BE IT RESOLVED that the Bertie County Board of Commissioners approves and supports this recommendation by the Division Engineer and expresses its gratitude for the diligence and careful attention provided by the NCDOT staff serving Bertie County.

Adopted this the **6th** day of **February** 2017.

Presentation of 2016 unpaid taxes report by Tax Administrator, Jodie Rhea

Tax Administrator, Jodie Rhea, presented his 2016 unpaid taxes report, and stated that the County had an 88% collection rate thus far.

Chairman Trent had the Board refer to the Consent Agenda to approve Mr. Rhea's Order to Advertise 2016 unpaid taxes.

Chairman Trent called for a motion to approve the order to advertise.

Vice Chairman Bazemore made a **MOTION** to approve the order to advertise the 2016 unpaid taxes. Commissioner Lee **SECONDED** the motion. The **MOTION PASSED** unanimously.

**Hurricane Matthew Recovery Update – Holland Consulting Planners, Chris Hilbert,
Program Administrator**

Chris Hilbert, Program Administrator for Holland Consulting Planners, was present to provide a brief update to the Board about Hurricane Matthew recovery efforts.

He reported that both the Town of Windsor and Bertie County were taking applications for mitigation assistance, and that citizens may apply until the end of February.

Mr. Hilbert also notified the Board that the NC Emergency Management office could be contacting the County in the near future to discuss a resiliency plan project.

Also, Mr. Hilbert discussed a couple of possible grant opportunities that he would be pursuing that could provide funding for flood prevention and a hydrology study. He did, however, caution that one of the grants was a national grant, and that it may be a “long shot” for the County to be considered.

BOARD APPOINTMENTS

There were no Board Appointments.

CONSENT AGENDA

Upon review by Chairman Trent, Commissioner Lee made a **MOTION** to approve the Consent Agenda items C-1 through C-7. Commissioner Wesson **SECONDED** the motion. The **MOTION PASSED** unanimously.

The Consent Agenda was approved as follows:

1. **Minutes** – Regular Session 1-17-17, Work Session 1-31-17, Closed Session 1-31-17
2. **Grant** – Community Services Block Grant – CADA of NC, Inc.
3. **Fees Report** – Register of Deeds – December 2016
4. **Budget Amendments** which read as follows:

BUDGET AMENDMENT				
		# 17-06		
	DECREASE			DECREASE
12-0025-4531-02	\$	5,302	DSS	12-5380-5399-70 \$ 5,302
TO DECREASE BUDGET TO MATCH ACTUAL CRISIS MONEY RECEIVED				
	DECREASE			DECREASE
12-0025-4586-18	\$	5,302	DSS	12-5380-5411-50 \$ 5,302
TO DECREASE BUDGET TO MATCH ACTUAL LIEAP MONEY RECEIVED (LOW INCOME ENERGY ASSISTANCE PROGRAM)				
	INCREASE			INCREASE
10-0011-4111-35	\$	7,200		10-4140-5399-01 \$ 7,200
INCREASE BUD FOR CONTRACT SERVICES - AUDITS TO PAY COUNTY TAX SERVICE (CTS)				
	INCREASE			INCREASE
10-0050-4855-10	\$	51,450	BLDG UPG	10-6308-5351-11 \$ 11,000
			LANDSCAPE	10-6308-5395-11 \$ 20,450
			RENT	10-6308-5400-00 \$ 20,000
SETUP BUDGET TO ASSIST RELOCATION OF EMS (KATE B. REYNOLDS GRANT)				
	INCREASE			INCREASE
10-0090-4991-99	\$	20,000		10-4360-5193-00 \$ 20,000
INCREASE BUDGET FOR MEDICAL EXAMINER - PROFESSIONAL SERVICES				
	INCREASE			INCREASE
10-0090-4991-99	\$	6,000		10-4350-5399-00 \$ 6,000
SETUP BUDGET TO COVER PROFESSIONAL SERVICES - WA #1 HOLLAND CONSULTING PLANNERS, INC.				
APPROVED / /2016				

BUDGET AMENDMENT				
		# 17-06		
		INCREASE		INCREASE
10-0090-4991-99	\$	20,000	10-4360-5193-00	\$ 20,000
INCREASE BUDGET FOR MEDICAL EXAMINER - PROFESSIONAL SERVICES				

BUDGET AMENDMENT				
		# 17-06		
	DECREASE			DECREASE
12-0025-4531-02	\$	5,302	DSS	12-5380-5399-70 \$ 5,302
TO DECREASE BUDGET TO MATCH ACTUAL CRISIS MONEY RECEIVED				

BUDGET AMENDMENT				
		# 17-06		
	DECREASE			DECREASE
12-0025-4586-18	\$	5,302	DSS	12-5380-5411-50 \$ 5,302
TO DECREASE BUDGET TO MATCH ACTUAL LIEAP MONEY RECEIVED (LOW INCOME ENERGY ASSISTANCE PROGRAM)				

BUDGET AMENDMENT				
		# 17-06		
	INCREASE			INCREASE
10-0011-4111-35	\$	7,200	10-4140-5399-01	\$ 7,200
INCREASE BUD FOR CONTRACT SERVICES - AUDITS TO PAY COUNTY TAX SERVICE (CTS)				

BUDGET AMENDMENT				
		# 17-06		
	INCREASE			INCREASE
10-0050-4855-10	\$	51,450	BLDG UPG	10-6308-5351-11 \$ 11,000
			LANDSCAPE	10-6308-5395-11 \$ 20,450
			RENT	10-6308-5400-00 \$ 20,000
SETUP BUDGET TO ASSIST RELOCATION OF EMS (KATE B. REYNOLDS GRANT)				

BUDGET AMENDMENT				
		# 17-06		
	INCREASE			INCREASE
10-0090-4991-99	\$	6,000	10-4350-5399-00	\$ 6,000
SETUP BUDGET TO COVER PROFESSIONAL SERVICES - WA #1				
HOLLAND CONSULTING PLANNERS, INC.				

5. **Proof of Loss Reports** – Hurricane Matthew and authorizing William Roberson, Finance Officer, and Scott Sauer, County Manager, as Primary and Secondary Agents authorized to execute and file applications for state federal assistance under Public Law 93-288 as amended.

6. **Contract** – Airsoft, LLC. (formerly Corrisoft)

7. **Order to Advertise** – unpaid taxes

Upon further discussion, Vice Chairman Bazemore made a **MOTION** to conditionally approve a bid of \$6,100 for the property located at 813 Meadow Road in Colerain (Item C-8). The bid amount will be used to advertise for a 10-day upset period in the Bertie-Ledger Advance. Commissioner Wesson **SECONDED** the motion. The **MOTION PASSED** unanimously.

Additionally, Vice Chairman Bazemore asked to make an addition to the Consent Agenda concerning a resolution of support for the Social Services Block Grant which assists children and adults with housing assistance and self-sufficiency.

Commissioner Wesson made a **MOTION** for County staff to draft a Letter of Support for the Social Services Block Grant as requested. Vice Chairman Bazemore **SECONDED** the motion. The **MOTION PASSED** unanimously.

In addition, Melvin Power, Deputy Director of CADA, Andre Rowe, NCWorks Center Manager, were present to answer questions about the Community Services Block Grant application for 2017-2018.

The Board also shared various concerns they have received from citizens regarding the Section 8 program.

DISCUSSION AGENDA

Water District I and III – Two \$150,000 grant applications for inventory and assessment of water system infrastructure assets have been prepared by Green Engineering, using the same approach as Water District II’s successful grant application for \$88,000.

Each application to the NC Department of Environmental Quality – Division of Water Infrastructure is requesting a grant amount of \$150,000 with a 5% local match requirement, the majority of which will be calculated as force account (in-kind) staff labor.

County Administration and the Water Department are seeking the Board’s approval to submit their two applications.

Commissioner Wesson made a **MOTION** to approve the two \$150,000 grant applications for (Water District I and III) inventory and assessment of water system infrastructure assets by Green Engineering using the same approach for Water District II’s successful grant application for \$85,000. Commissioner White **SECONDED** the motion. The **MOTION PASSED** unanimously.

Discuss new lease for the federal NRCS office located on the 2nd floor of the County Administration Building

After a brief discussion, Commissioner Wesson made a **MOTION** to increase the rent to \$2,400 a month for the term of 15 years per a request made by the NRCS. Vice Chairman Bazemore **SECONDED** the motion. The **MOTION PASSED** unanimously.

County Attorney Smith also briefly reviewed items of concern with the Board regarding the hours of the NRCS office, cleaning products used for the office, the addition of an additional drinking fountain on the second floor, etc.

The Board asked for the County Attorney to see if the \$2,400 amount is accepted, and that County staff would work out the additional details at that time.

Discuss roadside litter pick up – volunteer schedules and any ordinances for trash trucks entering/exiting landfill

Planning Director, Traci White, and Nuisance Abatement Officer, Barry Anderson were present to answer questions, and respond to concerns that Commissioners have received recently about littering and uncovered trucks entering and exiting the County landfill.

Ms. White submitted a copy of the County’s current Solid Waste Management Consulting ordinance, and noted various areas of interest.

She also submitted a copy of NC General Statute that addresses the hauling of waste on NC highways.

Ms. White reiterated that Mr. Anderson was not able to write tickets for litter violations, and that the most he could do was issue a notice of violation. The rest would have to be completed by the Sheriff's Office, or by NC Highway Patrol.

The Board briefly discussed what Republic Services might be able to do assist in ensuring all trucks leaving and entering the landfill are properly covered to prevent trash blowing out onto the road ways.

COMMISSIONER'S REPORTS

Commissioner Wesson stated that he had attended a rather packed public meeting hosted by the NC Fish and Wildlife Resources regarding the voluntary expansion of the Roanoke River Refuge. Mr. Wesson reiterated that property owners would not be forced to give up any part of their land to be included in the expansion, and that it would all be completed on a voluntary basis.

Vice Chairman Bazemore stated she would be lobbying with the Human Services Committee in Washington, D.C. The group will lobby against House Speaker Paul Ryan's proposal of increasing the Medicare age from 65 to 67.

Chairman Trent expressed his opposition to House Speaker Ryan's proposal, and informed those present that he, Vice Chairman Bazemore, and Commissioners Wesson and Lee would all be in attendance at the 2017 NACo Legislative Conference in Washington, D.C. at the end of February. He also stated that the Commissioners had plans to meet with Representative Butterfield, Senator Burr, and Senator Tillis to discuss the needs of Bertie County after the two recent flooding events.

Commissioner Lee reported that Habitat for Humanity had secured a family as well as a home for a family in the Windsor area, and that there would be a ribbon cutting soon.

Commissioner White reminded the Board about two events: the Student Showcase being held for Bertie County students on Thursday, February 9th, and the Bertie County Arts Council grand reopening on Sunday, February 12th in Windsor.

COUNTY MANAGER'S REPORTS

The County Manager gave no reports at this time.

COUNTY ATTORNEY'S REPORTS

County Attorney Lloyd Smith requested a brief Closed Session.

PUBLIC COMMENTS

Norman Cherry, President of the Bertie-Martin Community College campus, was present to commend Mr. Rowe of NCWorks for his continued support of continuing education for low income adults.

Dr. Hill, Superintendent of Bertie County Public Schools, was present to encourage the Board to attend the Student Showcase on Thursday, February 9th, and 6:00 PM at Bertie High School.

ADJOURN

Chairman Trent **ADJOURNED** the meeting at 5:20 PM.

John Trent, Chairman

Sarah S. Tinkham, Clerk to the Board



Bertie County

Board of Commissioners

ITEM ABSTRACT

MEETING DATE: February 20, 2017

AGENDA ITEM: C-2

DEPARTMENT: Governing Body

SUBJECT: Approve minutes for Work Session 2-6-17

COUNTY MANAGER RECOMMENDATION OR COMMENTS: FYI only.

SUMMARY OF AGENDA ITEM AND/OR NEEDED ACTION(S): FYI only.

ATTACHMENTS: Yes

LEGAL REVIEW PENDING: N/A

ITEM HISTORY: ---

Windsor, North Carolina
February 6, 2017
Work Session

The Bertie County Board of Commissioners met for their regularly scheduled meeting inside the Commissioners Room located at 106 Dundee Street, Windsor, NC. The following members were present or absent:

Present: Ronald “Ron” Wesson, District I
Stewart White, District II
Tammy A. Lee, District III
John Trent, District IV
Ernestine (Byrd) Bazemore, District V

Absent: None

Staff Present: County Manager Scott Sauer
Clerk to the Board Sarah S. Tinkham
Assistant/County Attorney Lloyd Smith
Finance Officer William Roberson
Parks and Recreation Director Donna Mizelle
Economic Development Director Steve Biggs

WORK SESSION

a) New PARTF grant opportunity presentation by LuAnn Bryan, Parks and Recreation Consultant, NC Division of Parks and Recreation

The Board heard an update on the comprehensive countywide recreation master plan project from Dr. Paige Viren and David Hodges and the efforts to expand public input to include school aged children, the public, private schools, and charter schools so that they can further identify programming needs and recreation interests across the County.

The Board also received an overview of the PARTF application process and funding criteria from Ms. LuAnn Bryan, Regional Manager for the NC Parks and Recreation system.

Ms. Bryan encouraged the County to further develop the site concept for the Albemarle Sound recreation and public access water site, and explained some of the key elements of successful grant applications.

After much discussion, the Board came to a consensus regarding a timeline for the next PARTF grant application, and determined that the May 2018 grant cycle would be an appropriate target date for full development of the site plan and programming proposed for the Albemarle Sound project.

b) Dr. Paige Viren and David Hodge will provide an update on the Countywide Recreation Master Plan

The Board expressed their gratitude and many compliments to the consulting team of Dr. Viren and Mr. Hodges for their efforts on behalf of Bertie County's countywide approach to expanding recreation services for Bertie residents.

The Board also expressed its support for the consulting team to advance this project to the next PARTF grant cycle, and preparation of the next application for May 2018.

Commissioners also thanked Ms. Bryan for her support and insight as the Board examines further programming opportunities for the Albemarle Sound recreation project, and for other recreational opportunities throughout Bertie County.

County Manager Sauer suggested that the Board visit other sites and learn about partnership opportunities and identified Cleveland County as a possible tour to learn about the joint efforts of Cleveland County and the NC Wildlife Resources Commission.

Following a brief break, several other items were discussed:

Commissioner White expressed his continued interest in honoring the charter members of the original Bertie Rescue Squad volunteers with a special event to include a Board resolution, dinner, plaques and other presentations in the near future.

County Manager Sauer shared the request from Sheriff John Holley seeking the Board's approval to contribute \$1,000 to the Sidney Dive Team of Beaufort County for its many hours of service to Bertie County Sheriff's Office investigations. The Board concurred with the suggestion that the funds be absorbed within the Sheriff's Department current budget appropriation.

Additionally, County Manager Sauer notified that the Board that the County had been contacted by representatives of a local foundation that is willing to make an anonymous donation to the County in support of relocating the library. The amount will be in excess of \$100,000 and the communication and other details are to be worked out between the County Attorney and, Braxton Gilliam, Attorney for the anonymous donor.

County Manager Sauer reported that the NC Coastal Land Trust is seeking another letter of support for its efforts to acquire property adjoining the Albemarle Sound site owned by the

County in order to expand and conserve this open space for wildlife and recreation activities. The Board concurred with this request.

County Manager Sauer reviewed a request from Trillium to install a public access kiosk in Bertie County. Vice Chairman Bazemore, who represents Bertie County on Trillium Board has suggested that the waiting area at Bertie Vidant hospital would afford citizens 24-hour access to this kiosk terminal. The Board concurred to send a letter to Bertie Vidant hospital with this recommendation.

Commissioner Lee requested additional flood photos be prepared for the Commissioners trip to Washington, D.C. later this month.

Commissioner Wesson expressed his thanks for flood photos and drone videos that he used in a recent meeting with local business and community leaders.

RECESS

Chairman Trent **RECESSED** this meeting until 4:00 PM.

John Trent, Chairman

Sarah S. Tinkham, Clerk to the Board



Bertie County

Board of Commissioners

ITEM ABSTRACT

MEETING DATE: February 20, 2017

AGENDA ITEM: C-3

DEPARTMENT: Governing Body

SUBJECT: Tax Release Journal – January 2017

COUNTY MANAGER RECOMMENDATION OR COMMENTS: Recommend approval.

SUMMARY OF AGENDA ITEM AND/OR NEEDED ACTION(S): Recommend approval.

ATTACHMENTS: Yes

LEGAL REVIEW PENDING: N/A

ITEM HISTORY: ---



Bertie County Tax Department
PO Box 527
106 Dundee St.
Windsor, NC 27983
Phone: (252) 794-5310
Fax: (252) 794-5357

February 09, 2017

William Roberson
Bertie County Finance Officer
Windsor, NC 27983

Dear Mr. Roberson:

Attached you will find a (1) Computer Printout and, (2) Copies of the appropriate pages of the "Tax Release Journal" (Ledger) manually maintained in the tax office, both relative to Tax Releases which are now ready for your approval.

The releases herein are for the month of **January** and this request for your approval is made pursuant to "Resolution of the Board of Commissioners" dated August 5, 1985. This may also serve as your report to the Board of Commissioners required by the same "Resolution."

Respectfully Submitted,


Tax Administrator

Approved on _____ 20____

RLS*17*31	DATE	NAME	CODE	LEVY	ADV	PEN	INT	TOTAL
2015	1/13/2017	Hyman, Cecil 15A6682.80.1	G01	\$249.78	\$0.00	\$113.85		\$363.63
		Adjustment to Audit						
								\$363.63

Line	Account Number	Taxpirtt Number	Tax Code	Transaction Amount	Lavy Amount	Penalty Amount	Add Chgs	Interest Amount	Discont Amount	Txn Check Cde	Trans Rev	Description
1	01/13/17	15A682.80.1	G01	363.63	249.78	113.85	0.00	0.00	0.00			
2		HYMAN, CECIL ANTHONY		363.63	249.78	113.85	0.00	0.00	0.00	R		PG99
3				363.63	249.78	113.85	0.00	0.00	0.00			
4				363.63	249.78	113.85	0.00	0.00	0.00			
5				363.63	249.78	113.85	0.00	0.00	0.00			
6				363.63	249.78	113.85	0.00	0.00	0.00			
7				363.63	249.78	113.85	0.00	0.00	0.00			
8				363.63	249.78	113.85	0.00	0.00	0.00			
9				363.63	249.78	113.85	0.00	0.00	0.00			
10				363.63	249.78	113.85	0.00	0.00	0.00			
11				363.63	249.78	113.85	0.00	0.00	0.00			
12				363.63	249.78	113.85	0.00	0.00	0.00			
13				363.63	249.78	113.85	0.00	0.00	0.00			
14				363.63	249.78	113.85	0.00	0.00	0.00			
15				363.63	249.78	113.85	0.00	0.00	0.00			
16				363.63	249.78	113.85	0.00	0.00	0.00			
17				363.63	249.78	113.85	0.00	0.00	0.00			
18				363.63	249.78	113.85	0.00	0.00	0.00			
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27				363.63	249.78	113.85	0.00	0.00	0.00			
28				363.63	249.78	113.85	0.00	0.00	0.00			
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67				363.63	249.78	113.85	0.00	0.00	0.00			
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75				363.63	249.78	113.85	0.00	0.00	0.00			



Bertie County

Board of Commissioners

ITEM ABSTRACT

MEETING DATE: February 20, 2017

AGENDA ITEM: D-1

DEPARTMENT: Governing Body

SUBJECT: Review of Hurricane Matthew Recovery activities:

- a. Resilient Redevelopment Planning Program
- b. Golden Leaf
- c. FEMA
- d. CADA Workers provided through Mid-East Commission Workforce Development Board

COUNTY MANAGER RECOMMENDATION OR COMMENTS: Discussion needed.

SUMMARY OF AGENDA ITEM AND/OR NEEDED ACTION(S): Discussion needed.

ATTACHMENTS: No

LEGAL REVIEW PENDING: N/A

ITEM HISTORY: ---