

Windsor, North Carolina
March 12, 2018
REGULAR MEETING

The Bertie County Board of Commissioners met for their regular meeting today inside the Commissioners Room, 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
 County Attorney Lloyd Smith
 Finance Officer William Roberson
 Planning Director Traci White

Gene Motley of the Roanoke-Chowan News Herald and Thadd White of the Bertie-Ledger Advance were present from the media.

At 6:00 p.m. Board Chair Ernestine Bazemore called the meeting to order, which was held in the Commissioners meeting room, Windsor, NC. Commissioner John Trent requested Rev. Anthony Ward provide the invocation and then Commissioner Trent led the Pledge of Allegiance.

Board Chair Bazemore indicated that there was one additional discussion item for the agenda requested by Commissioner Lee, regarding a proposed height restriction ordinance for the Tri-County Airport.

Public comment: Sheriff John Holley provided a brief report regarding recent threats on public facilities including Bertie Middle School, the Board of Education offices, the Courthouse and March 9th's “soft lock down” impacting all school facilities. Commissioner Lee commended the Sheriff’s Office for its recent response coverage at Bethel Christian Academy. Mr. Norman Cherry, campus administrator for Martin Community College’s Windsor campus introduced newly appointed Martin Community College President, Dr. Paul Hutchins. Dr. Hutchins shared his vision and gratitude for the opportunity to serve Bertie County in this new role. Two local farmers, Mr. Sid Copeland and Mr. Charles Harden, spoke as representatives of the next generation of young farmers and their desire to see Bertie County maintain its leadership as an agricultural producing community, as evidenced by recent statistics reflecting farm income in

northeastern North Carolina. Each Commissioner expressed support and encouragement for these young leaders. Reverend Anthony Ward spoke on behalf of the South Windsor Water Association and reported the merger with Bertie County Water District III and the related capital project construction is now complete. Reverend Ward commended the Commissioners for their commitment to this project and thanked them for a “job well done.” He also commended the project leadership of Mr. Ricky Spivey, Superintendent for Bertie County’s Regional Water System.

Mr. Bryant Buck, Executive Director of the Mid-East Commission provided a summary of the 2020 Census LUCA program, known as the Local Update of Census Addresses which is an effort to improve the data integrity of geographic data points. He emphasized the importance of the initial steps for the County to insure the resulting census information yields accurate information and documentation for low to moderate income residents, which will assist the County in qualify for federal grant funds. Vice Chairman Wesson further explained the potential loss of \$1,600 per resident annually, if documentation is not accurate during the census process. Mr. Buck presented three potential strategies where the Mid-East Commission can provide services to improve the LUCA process for the County. Board Chair Bazemore offered a Motion to approve the first option, a complete update of address points for a cost of \$17,500 and to engage the Mid-East Commission for these services. Commissioner Trent seconded the motion and the vote was unanimous.

Mr. Buck, also updated the governing body regarding the CDBG Broadband grant project and recommended that the Board approve a grant administration agreement with the Mid-East Commission to complete the reporting documentation. As a unit of local government and given the extensive grant administration experience of the Mid-East Commission staff, no formal procurement process is required, explained Mr. Buck. Commissioner Trent offered a Motion to approve the recommendation, and Vice Chairman Wesson seconded the Motion, which passed by unanimous vote.

Mr. Buck reported that two key citizen appointments for the workforce development board remain vacant, one for the private sector and one for the public-sector (or labor union) representative. Vice Chairman Wesson offered a Motion to nominate Mr. Ron Robertson for the private sector and suggest that the Superintendent of Schools make a recommendation for the public-sector vacancy. The Motion was amended at the suggestion of Commissioner Lee, to insert the requirement that these appointments be subject to submission of the required citizen appointment application to the Clerk to the Board. Commissioner Trent offered a Second to the motion, which passed by unanimous vote.

Mr. Joe Dehner, General Manager for Republic Services presented a letter requesting the Board’s initiation of the franchise renewal process, including the extension of the landfill host agreement using the statutory criteria for the “life of site” process. Mr. Dehner explained that the franchise expires in October of 2018 and the “life of site” process is predicated on the current

volumes, densities and service area for the existing landfill. Currently, Republic Services is preparing technical reports in preparation of a formal presentation to the Board in mid-April.

Mr. Dehner and Division Manager Mike Kavanaugh also reviewed recent complaints regarding convenience center operations and the negative impact on customer service. Mr. Dehner shared a site plan proposal for improvements to the Hardentown convenience center, including the addition of concrete pads and improved grading at the site. Commissioner White expressed concerns about “furious calls” from citizens and the resulting negative impacts for Republic Services reputation due to the inability of residents to drop off their trash due to backlogs and service delays at the sites.

Commissioner Lee echoed these concerns, and Mr. Dehner responded saying that Republic Services is committed to providing excellent service at all sites. Vice Chairman Wesson explained that the Windsor location continues to have pot holes causing extensive damage to vehicles attempting to access the site. Commissioner Trent thanked the Republic Services staff for their efforts to correct the situation, and he noted that Republic Services is a strong supporter of community projects and programs. Board Chair Bazemore thanked Mr. Dehner and Mr. Kavanaugh for their report and noted that the Commissioners are looking forward to the upcoming open house and community day at the landfill.

Board Chair Bazemore noted that item A-3 on the agenda had been withdrawn.

County Manager Sauer presented the Tax Administrator’s report regarding the recent Court Judgement and foreclosure sale of the two lots on Grandy Lane. Commissioner Trent offered a Motion, which was Seconded by Commissioner Lee to proceed with the transaction and the sale price of \$4,200 as recommended. The vote was unanimous to approve.

Board Chair Bazemore noted the application submitted by Mr. Melvin Askew to serve on the Nursing Home Advisory Committee. Vice Chairman Wesson made the nomination and Commissioner Lee offered a Second. The vote was unanimous to approve.

County Manager Sauer reminded the Board that there have been no further applications submitted for the Poverty Commission. Board Chair Bazemore indicated that she will be actively working to identify candidates for these appointments, and suggested that the kick off for the poverty initiative be deferred until April 30th at 2:00 p.m.

Following Board Chair Bazemore’s review of the consent agenda items, Commissioner Lee offered a Motion to approve items one through six as follows:

1. Approve Minutes for Regular Meeting 2-19-2018
2. Approve Minutes for the Board acting as the Board of Commissioners for Bertie County Water District III meeting for adoption of USDA Bond Resolution 2-19-2018
3. Register of Deeds report-February

4. Approval of 2020 revaluation services contract with Piner Appraisal, Inc. based on revised terms.
5. Tax Release Journal-January
6. Budget amendments

Vice Chairman Wesson offered a Second, and the Motion to approve consent items one through six was approved by unanimous vote.

Board Chair Bazemore called on Mr. Ricky Spivey to review the two change orders recommended as consent items number seven and eight. Following Mr. Spivey's report, Commissioner Trent made a Motion to approve as follows:

7. Water District II – Change order in the amount of \$32,448.84 and remaining project contingency is \$9,857.16
8. Water District IV – Change order in the amount of \$17,973.40 and remaining project contingency is \$55,150.60

Vice Chairman Wesson seconded the Motion to approve, and the vote was unanimous.

Board Chair Bazemore called on the County Attorney, Mr. Lloyd Smith to review the first two discussion items. County Attorney Lloyd Smith reviewed the Teacher Housing Initiative and the relevant statutory provisions necessary for the Windsor Township Development Commission's SECU loan application and the County's management support for this project. Mr. Smith noted that the agenda package contained several examples of local legislation for similar teacher housing projects in Hertford, Dare and Buncombe counties. Mr. Smith provided a handout, which mapped out the roles and responsibilities in the form of a flow chart to further define the need for special legislation. The County Attorney recommended that the Board seek legislation during upcoming short session of the NC General Assembly, both clarifying and expanding the statutory authority for the Windsor Township Development Commission and Bertie County. After much discussion, Commissioner Trent offered a Motion authorizing the County Attorney to prepare a local bill for the upcoming short session, using the Hertford County legislation as a guide and further clarify the specific authority of the Windsor Township Development Commission and Bertie County's role and responsibilities to proceed with the teacher housing initiative. Vice Chairman Wesson offered a Second to the Motion, which passed by unanimous vote.

County Attorney Lloyd Smith also reported on the availability of three law firms which have expressed interest in representing Bertie County in the multi-jurisdiction litigation related to OPIOID cases filed by various North Carolina counties. The three firms identified were Ward and Smith of Raleigh, Daniel and Thomas of Yanceyville, and the Richards firm of Fayetteville. Vice Chairman Wesson offered a Motion to engage the Richards firm, which was Seconded by Commissioner Lee. The vote to approve was unanimous.

Board Chair Bazemore noted that the item added to the agenda, the height restrictions for Tri-County Airport, is for information only. She indicated that the proposed ordinance will be forwarded to the Planning Board for review and recommendations at a later date.

County Manager Sauer reported that the County had received two resolutions recently adopted by Dare County as follows:

- (a) opposing any adverse change in the definition of commercial fishing operation; and (b) requesting Governor's review and examination of current membership of the NC Marine Fisheries Commission.

Commissioner Lee reported that she had reviewed both of these resolutions and shared copies with members of the NC General Assembly including Senator Erica Smith, Representative Howard Hunter and Representative Bob Steinburg. After much discussion, there was consensus among the Commissioners to not support the second resolution proposed by Dare County. Commissioner Lee offered a Motion approve the language in the first resolution and directing staff to prepare the document for the Chair's signature. Vice Chairman Wesson offered a Second to the Motion, which passed by unanimous vote.

The resolution will read as follows:

RESOLUTION
OPPOSING ANY ADVERSE CHANGE
IN THE DEFINITION OF A COMMERCIAL FISHING OPERATION

WHEREAS, the Marine Fisheries Commission at their Wrightsville Beach meeting on February 14, 2018 voted 5 to 4 to change the criteria that was previously under consideration and approve a redefinition of commercial fishing; and

WHEREAS, the Commission's new criteria identified seven qualification components including a requirement that commercial license holders demonstrate a minimum level of participation by documenting 1000 pounds of landings through the trip ticket program during any of the two out of five continuous calendar years; and

WHEREAS, the new criteria advanced by the Marine Fisheries Commission would have an adverse impact on those who now engage in commercial fishing and already suffer because of government overregulation that imposes severe quotas and unnecessary restrictions on fishing seasons, limits, and gear forcing many to take on additional jobs and engage in part-time businesses in order to support their families; and

WHEREAS, imposing an arbitrary level of participation would unfairly have a harsh and punitive effect on coastal communities hit by hurricanes and other natural disasters where many commercial license holders, whose income generating season may have been entirely wiped out by a storm, are forced to temporarily divert their time and talents to other business enterprises; and

WHEREAS, no other professional license issued by the State dictates a level of participation in order for its holders to qualify; and

WHEREAS, additionally the new criteria would create a requirement that all individuals wanting to engage in commercial fishing must first complete a three-year apprenticeship or graduate from a community college commercial fishing program before being eligible to purchase a standard commercial fishing license; and

WHEREAS, the imposition of an apprenticeship requirement would unfairly penalize those with an entrepreneurial spirit willing to invest their skills and resources in the commercial fishing industry. This requirement is counterproductive to economic development principles and would only serve to thwart individuals wanting to pursue their dream of creating a small business in our coastal communities; and

WHEREAS, the definition of what constitutes commercial fishing in North Carolina has been determined by the General Assembly and has long been established in section 113-168 of North Carolina's General Statutes; and

WHEREAS, over seven years ago, in October of 2010, the Marine Fisheries Commission empaneled a Fishing License Review Taskforce, which examined in detail the requirements for holding a commercial fishing license and concluded that the definition contained in the General Statutes was adequate and therefore there was no real need to modify the definition of what constitutes a commercial fisherman; and

WHEREAS, furthermore, the Final Report from the Fishing License Review Taskforce clearly stated its recommendation that "no changes are needed to the existing definition;" and

WHEREAS, the effort that is underway by the Marine Fisheries Commission to redefine Commercial Fishing is a misguided attempt to fix something that is not broken and would jeopardize coastal communities whose economy and wellbeing are dependent upon both full-time and part-time commercial fishermen and would have an adverse impact on young entrepreneurs wishing to enter the commercial fishing industry.

NOW THEREFORE BE IT RESOLVED that the Bertie County Board of Commissioners supports the definition of commercial fishing that has been determined by the duly elected members of the North Carolina General Assembly and reflected in the North Carolina General Statutes.

AND BE IT FURTHER RESOLVED that the Bertie County Board of Commissioners strongly opposes any adverse change in the definition of commercial fishing and urges the North Carolina

General Assembly to take no action that would harm the hard-working North Carolinians who put fresh seafood on American tables.

Adopted this the 12th day of March, 2018.

Ernestine Bazemore, Chair

ATTEST:

Scott T. Sauer, acting Clerk to the Board

Board Chair Bazemore reviewed several upcoming dates and activities noting that Commissioner Lee will be representing Bertie County on March 13 and 14 in Washington, DC at NACO's White House briefing. Vice Chairman Wesson will provide opening remarks at the "Site X" program on March 17 sponsored by the NC Coastal Land Trust. March 28th is the gathering of state and local officials regarding recreation trails related to the County's Albemarle Sound recreation site and the State's planned Salmon Creek recreation area. There was consensus to recommend that the joint meeting with the Bertie Martin Regional Jail Commission and Martin County, consider alternative dates of March 26 or April 12 rather than the scheduled date of April 18th. The County Manager will submit these alternative dates to Martin County for consideration.

Board Chair Bazemore called on each Commissioner for individual reports. Commissioner White had no report. Commissioner Lee reported on a wi-fi service offered by a firm known as "Open Broadband" which operates in several NC counties using existing structures such as elevated water tanks. Vice Chairman Wesson reported that he participated in a program honoring Dr. Ben Speller, who received the "Old North State" award, which was held in Edenton. Commissioner Trent had no report. Board Chair Bazemore reported on the program that she and Commissioner Lee attended at the Governor's mansion with the NC Clean Water Management Trust Fund and the NC Coastal Land Trust. She also noted a recent meeting with Superintendent of Schools Dr. Edmonds, and she expressed her gratitude for the Board's participation in the memorial services for School Board member Mr. Barry McGlone.

County Attorney Lloyd Smith reported that the NC Wildlife Resources Commission has recently abandoned its proposed deer hunting regulation changes. Mr. Smith further noted that the resolution presented by Bertie County opposing these regulations was replicated by nearly all northeastern NC counties.

There were no public comments.

Motion to adjourn was made by Commissioner White, Seconded by Vice Chairman Wesson and vote was unanimous.

Ernestine Bazemore, Chair

Sarah S. Tinkham, Clerk to the Board