

Windsor, North Carolina
January 14, 2019
WORK SESSION

The Bertie County Board of Commissioners **RECESSED** their regular meeting on January 7, 2019 in order to meet today inside the Commissioners Room, 106 Dundee Street, Windsor, NC. The following members were present or absent:

Present: Ronald "Ron" Wesson, District I
Greg Atkins, 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 Tinkham
Assistant County Attorney Jonathan Huddleston (2:30pm)
Assistant County Attorney Cliff Smith (3:30 pm)
Finance Officer William Roberson
ICMA/NCACC Management Fellow Dominique Walker
Cooperative Extension Director Billy Barrow
Deputy Doug Jernigan
Deputy Beverly Peele
Deputy Tim Hardy

There were no media members present.

RECONVENE

Chair Trent reconvened the meeting.

WORK SESSION

Final site layout and design review MHAworks by Albi McLawhorn and Danielle Hoff

Albi McLawhorn and Danielle Hoff were present on behalf of MHAworks to present the final design of the joint Bertie County Library and Cooperative Extension facility.

A PowerPoint was reviewed as well as handouts.

The updated presentation reflected the requested changes from the Board at their last work session on December 13, 2018.

Some of those changes included: movement of joint facility towards Lancaster Avenue to present more room for overflow parking potential/additions in the future, change in amount of “port hole” windows facing Lancaster Avenue, as well as other minor cosmetic preferences.

The Board was also given the opportunity to view and touch samples of materials that could be used for the exterior of the building.

There was a lengthy discussion regarding the budget of the project and items to fund if lower, overall project bids are received.

The Board discussed furnishing the facility especially the industrial kitchen that will serve as a teaching area and event planning feature. It was reported by County Manager Sauer that the Bertie County Library had secured a \$400,000 grant to furnish their part of the facility.

Cooperative Extension Director, Billy Barrow, stated that he would meet with his team to discuss where funding could be secured to furnish the industrial kitchen in particular.

Commissioner Bazemore suggested the NC State Surplus in combination with any other grants that could be secured.

Mr. Sauer also mentioned that this stage would not come until close to the planning phase of the FY2019-2020 budget cycle, and arrangements could be made for this endeavor at that time as well.

The Board spent a great deal of time receiving answers to their questions about the project as a whole, and a request was made from MHAworks to allow them to move forward with preparing this project for bid as soon as possible.

Commissioner Bazemore made a **MOTION** for MHAworks to work with the County Manager and other County staff to complete and prepare this project for the bidding process.

Commissioner Lee **SECONDED** the motion. The **MOTION PASSED** unanimously.

RECESS

At this time, the Board took a brief 5-minute recess.

Calendar Updates

County Manager Sauer briefly reviewed a print out calendar of upcoming meetings, events, and conferences on the horizon for the Commissioners.

Changes or additions were made as needed.

Items highlights included the Essentials of County Government conference at the end of January as well as the NACo Legislative Conference in Washington, D.C. in early March which could affect the Board's regular meeting schedule.

At this time, the regular Board meeting in March was tentatively rescheduled for March 11th at 6:00 PM. Confirmation would be given at an upcoming meeting or work session.

Distribution of revised discussion points for planning session

The Board received a new draft of items needed for discussion at their upcoming Work Session on Monday, February 18, 2019 beginning at 10:00AM.

Safety and Maintenance Ordinance

After tabling this item in early 2018, several Board members had requested this proposed ordinance be updated and brought back to the Board for additional review.

The Legal Team provided an updated copy of the ordinance which addressed a lot of the concerns raised by the Board early last year.

It was noted by Assistant County Attorney, Cliff Smith, that this new ordinance was more "defendable and enforceable" than the original ordinance.

The Board also reviewed a pertinent statute that could assist the County in receiving help from NCDOT for the most poorly maintained roads in the County, but it would not put those roads under NCDOT ownership. The fixing of certain roads would only be done at a minimum and there would be no guarantee of a permanent solution.

Commissioner Bazemore expressed her concerns about the affordability to citizens to fix some of these roads, as well as a proposed fine that could be fined if repairs were not made to the affected road by the County's deadline within the ordinance.

She stated cost could easily be a factor in preventing some owners to pay for the needed road repairs, and charging additional penalties presents more of a hardship.

Commissioner Wesson encouraged the Board to vote on this matter as soon as possible as it is one of the main concerns he hears from citizens.

Chairman Trent opted to have the ordinance read aloud into the record:

SAFETY AND MAINTENANCE ORDINANCE

FOR

BERTIE COUNTY, NORTH CAROLINA

January 2019

ARTICLE I

INTRODUCTORY PROVISIONS

Section 101 Title

This Ordinance is entitled the *Bertie County Safety and Maintenance Ordinance*, and may be cited as the *Safety and Maintenance Ordinance*.

Section 102 Authority & Purpose

Whereas, in order to promote the health, safety, and general welfare of the citizens of Bertie County, North Carolina; to allow for and provide for safe and timely emergency services to those citizens of Bertie County; and to abate and repair any deterrence to these services because of the conditions of any roadways which have been deemed to be detrimental to the public health, safety, and general welfare of a citizen of this county and said conditions have been determined to be a "public nuisance"; it is desirable and necessary to adopt the *Safety and Maintenance Ordinance*, for the territorial jurisdiction of Bertie County as herein set forth.

Section 103 Jurisdiction

Upon adoption, this ordinance shall govern every private and public road not maintained by the North Carolina Department of Transportation within Bertie County, North Carolina, where said road provides for public or private access to, at a minimum, one residence or dwelling which is used for residential purposes.

**ARTICLE II
DEFINITIONS**

Section 201 General

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

Section 202 Words Interpretation

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

weather the owner shall have the same time allotted in Article IV Section 5.1 to repair said damage and bring said private road in compliance with this ordinance.

Obstacle: Any natural or manmade impediment or debris acting as a hinderance to vehicular travel on a road or street.

Vehicles: Two or Four Wheel drive vehicles owned and operated by law enforcement, emergency management services or any fire department which are used in the execution of public services.

ARTICLE III SPECIFICATIONS FOR PRIVATE ROADS

Section 401 General Provisions

Any Private Road within the jurisdiction of this ordinance will be subject to the specifications set forth within this article.

Section 402 Specifications

(a) All Private Roads must be passable for all vehicles defined in Article II Section 203.

(b) The Private Road must be passable. "Passable" is defined as being clear of obstacles and capable of being traveled upon safely. Travel will be deemed safe when said private road is devoid of any and all holes, cracks, crevices, potholes or other breaks in the road which cause the bottom chassis of the vehicle to come into contact with the ground or water during non-extreme weather conditions.

(c) The determination of what constitutes "passable" will be determined by the Enforcement Officer based upon the specifications contained herein.

Section 403 Exceptions

The specifications set forth in this ordinance do not apply during extreme weather conditions, or to situations where a private road becomes unpassable based upon extreme weather conditions.

Section 404 Maintenance

The owner of said Private Roads shall have a specific duty to maintain, repair, and bring up to standard, all private roads within the jurisdiction of this ordinance. Any and all private roads subject to this ordinance shall be subject to inspection by the Enforcement Officer to ensure compliance with the specification set forth in Article III, Section 402 above.

- 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 "County Commissioners" shall mean the Bertie County Board of Commissioners.
- g) The word "person" includes firm, association, organization; trust, company, corporation, or any legal entity as well as an individual.
- h) The words "used" or "occupied" include the phrases: "intended to be occupied or used".

Section 203 Definitions

Dwelling- For the purpose of this Ordinance a dwelling, means any building, structure, manufactured home or mobile home, occupied, maintained or intended for use as a residence.

Enforcement Officer- The enforcement officers for Bertie County shall be the Emergency Management Services Director and Sheriff of Bertie County. Each is vested with the powers and authority granted under Article III of this Ordinance.

Private Road- A road or street that has not been accepted nor planned for acceptance by North Carolina Department of Transportation or other governmental entity, and which provides vehicular access to residential areas containing a minimum of two dwellings. A Private Road shall not include a private driveway providing ingress and egress to a single private residence.

Owner- The legal owner of the parcel or real property upon which any part of the private road is situated as documented in the Bertie County Tax Office. An owner will only be responsible pursuant to Article III of this ordinance for that portion or section of the private road which is found within the boundary of their parcel as defined by the Bertie County Tax and Mapping Department.

Residence- A place where a person or group of persons resides on a permanent or temporary basis.

Extreme Weather Conditions- For the purpose of this statute extreme weather conditions are those meteorological conditions which result in excessive precipitation, including ice, rain, or snow, that would make an otherwise passable private road unpassable; or a meteorological condition resulting in damage which causes a private road to not be passable. In the event said road is damaged as a result of said extreme

Section 405 Compliance

Any current owner of a private road subject to this Ordinance shall have 45 days to come into compliance with said Ordinance. All new private roads subject to this Ordinance shall be built in compliance with the Specifications set forth in Article III, Section 402 above.

**ARTICLE IV
ENFORCEMENT**

Section 501 General Provisions

If the specifications required by this Ordinance are not met within the 45 day period, the owner of said private road shall be guilty of a Class III misdemeanor and assessed a fine of five hundred dollars (\$500.00) pursuant to N.C.G.S. §14-4. In lieu of or in addition to the criminal penalties outlined above, the private road owner may be subject to a civil penalty pursuant to N.C.G.S. 153A-123(c) of \$1,000 per day for each day the violation continues, recoverable by the County in a civil action in the nature of a debt. In addition to all other remedies available either at law or in equity, as violation of this order is deemed a public nuisance the County may institute an action in the General Court of Justice, more specifically the Superior Court of Bertie County, seeking enforcement of the ordinance by injunction and order of abatement pursuant to N.C.G.S. §153A-123(d) and (e), including but not limited to, action by the County seeking an order of abatement requiring the private road owner to make the necessary improvements to said private road within the time allowed by the Court, whereupon noncompliance with the abatement order the County may execute the Order, making the necessary repairs and maintenance, creating a lien upon the owner's real property for the costs of executing said order.

Chairman Trent also requested that the Board carefully review this ordinance as presented and be ready to vote at the Board's upcoming work session so that the correct procedure could be followed in scheduling the needed public hearings.

At this time, the County Manager requested a brief Closed Session.

CLOSED SESSION

Commissioner Wesson made a **MOTION** to go into Closed 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 and 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. Commissioner Bazemore **SECONDED** the motion. The **MOTION PASSED** unanimously.

OPEN SESSION

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

Per a Personnel item discussed in Closed Session, the Board came to a consensus to have County Manager Sauer discuss a potential position with the County for current ICMA/NCACC Management Fellow, Dominique Walker. The Board asked that the County Manager provide an update to the Board about the matter prior to the next meeting.

Before adjournment, Commissioner Wesson inquired about the process that was followed with Lewiston-Woodville and a grant that they recently received.

The County Manager stated that he could gather additional information for the Board's review, if desired.

ADJOURN

Chairman Trent **ADJOURNED** the meeting approximately 4:30PM.

John Trent, Chairman

Sarah S. Tinkham, Clerk to the Board