

**Windsor, North Carolina  
January 14, 2013  
Regular Meeting**

The Bertie County Board of Commissioners met for a regular meeting at 10:00 AM in the Commissioners Room with the following members present or absent:

Present:	J. Wallace Perry, Chairman Charles L. Smith, Vice-Chairman Rick Harrell John Trent Ronald "Ron" Wesson
Absent:	None
Staff Present:	Interim County Manager Morris Rascoe Assistant County Manager Misty Deanes Assistant County Attorney Jonathan Huddleston

Chairman Perry opened the meeting.

**INVOCATION & PLEDGE OF ALLEGIANCE**

Commissioner Harrell led the invocation and Pledge of Allegiance.

**PUBLIC COMMENTS**

**MR. JAMES PUGH REGARDING THE EASTERN CIVIC GROUP**

Mr. James Pugh discussed the Eastern Civic Group which consists of twenty-two counties in G.K. Butterfield's district. Mr. Pugh invited the Board to attend meetings of that group. Mr. Pugh encouraged the Board to keep citizens informed.

**MR. TIM BAZEMORE, SR. REGARDING PAST DUE TAXES**

Mr. Tim Bazemore stated that some of his properties are in foreclosure. Mr. Bazemore stated that he felt that his taxes had been calculated incorrectly. Mr. Bazemore asked that the Board of Commissioners ask the Tax Department to not foreclose on his properties.

The Board discussed this matter with Mr. Bazemore and inquired into his conversations with the Tax Department.

Commissioner Harrell recommended that the Board hear information regarding this case from the Tax Administrator. The Board agreed and asked that the Tax Administrator be at the next meeting to discuss this matter.

**APPOINTMENTS**

**HITE ASSOCIATES REGARDING PROPOSED ADDITION FOR THE NEW BERTIE HIGH SCHOOL**

Mr. Jimmy Hite and Ms. Ann Williams of Hite Associates were present for this discussion. Mr. Hite gave a PowerPoint presentation on the proposed addition for the new Bertie High School and the \$130,695.00 cost to modify this addition for the proposed student population. Mr. Hite stated that this could come out of contingency and he felt that there would still be opportunities to reduce that price. Mr. Hite stated that no square footage had been added.

The Board and Mr. Hite discussed the high school project. The Board discussed soils at the new high school site. Commissioner Trent asked that Hite Associates to update the Board on the data from compaction testing at the site.

Interim County Manager Rascoe stated that any commissioner interested in the project was welcome to attend the next progress meeting at 10 AM on January 29, 2013.

Mr. Hite asked that the Board make a motion to accept a change order for the proposed addition not to exceed \$130,000.00.

Commissioner Wesson introduced a **MOTION** to accept this change order not to exceed \$130,000.00. Commissioner Trent **SECONDED** the motion. The **MOTION PASSED** unanimously.

### **FOREST RANGER MIKE HOGGARD UPDATED THE BOARD ON THE ACTIVITIES AND ACCOMPLISHMENTS OF THE FOREST SERVICE FOR FY 2011-2012**

Forest Ranger Mike Hoggard introduced his staff to the Board. Mr. Hoggard updated the Board on the activities and accomplishments of the Forest Service for FY 2011-2012.

Commissioner Harrell stated that citizens had approached him about the loss of resources to process timber and asked how the Forest Service advised citizens to do such. Mr. Hoggard discussed resources to process timber.

### **THE PIERCE GROUP REGARDING EMPLOYEE BENEFITS**

Ms. Donna Nixon of The Pierce Group gave a PowerPoint presentation on the benefits offered by her company and the credentials of her company. Chairman Perry asked Ms. Nixon if her company had done a benefits proposal for the County. Ms. Nixon stated that she had given a proposal to the Finance Director. Chairman Perry recommended that this be on the retreat agenda.

### **BUILDING AND GROUNDS SUPERVISOR ANTHONY RASCOE REGARDING HEATING UNIT FOR MAINTENANCE SHOP**

Mr. Rascoe stated that necessary additional expenditures on the maintenance shop project, such a pumping station and a water meter had caused the funds for his project to run out before he could pay for a heating unit for the shop. Mr. Rascoe presented a quote for this project asked to be able to take up to \$2500.00 out of the utility line item to pay for a heating unit for the shop. Mr. Rascoe stated that he was on at 42% expenditure in that line item.

Commissioner Harrell asked if Mr. Rascoe had looked into using natural gas or propane. Mr. Rascoe stated that he had and that electric seemed to be the better option.

Commissioner Perry asked if Mr. Rascoe had checked with local dealers in the area to buy the parts. Mr. Rascoe stated that he felt he was getting a better price because he was buying directly through the vendor instead of going through a local agency.

Commissioner Trent introduced a **MOTION** to allow Mr. Rascoe to take up to \$2500.00 out of the utility line item to pay for a heating unit for the shop. Commissioner Smith **SECONDED** the motion. The **MOTION PASSED** unanimously.

### **MS. VIVIAN SAUNDERS OF THE FAMILY RESOURCE CENTER REGARDING REQUEST FOR COUNTY TO BE PROGRAM FISCAL AGENT**

Ms. Saunders stated that One Economy had notified her agency that week that they would no longer be able to serve as the fiscal agent for the Family Resource Center. Ms. Saunders stated that the State grant funding cycle for one of her programs was currently open and she would need a fiscal agent in order to apply. Ms. Saunders stated that she was currently in the process of obtaining a 501(c)(3) status, but would not have that status in time to apply for the funds. Ms. Saunders discussed the grant application. Ms. Saunders stated that the letter of intent to apply for this funding is due by January 22, 2013 and the deadline date for the application is February 11, 2013. Mr. Saunders stated that she would only need a fiscal agent for one year.

The Board and staff had many questions regarding whether this request could be fulfilled because of local government laws and because Ms. Saunders' agency is a separate not for profit agency in the County. Interim County Manager Rascoe stated that the County would need to speak with the County Attorney, its auditors, the granting agency and look at the proposal before a decision could be made regarding this matter. The board decided to act on this matter by poll or have a special meeting at a later date after further information had been gathered.

**BOARD APPOINTMENTS**

**SAFETY COMMITTEE**

Ms. Deanes explained that this committee is made up of county employees only and discussed the mission of this committee.

Commissioner Wesson introduced a **MOTION** to appoint the following to the Safety Committee:

Mitch Cooper	Ricky Spivey	Anthony Rascoe
GT Pittman	John Holley	Irma Robbins
Kevin Hill	Scott Pearce	Barry Anderson
Carolyn Fornes	Eleanor Bond	Richard Rhodes

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

**CONSENT AGENDA**

Commissioner Harrell introduced a **MOTION** to approve the minutes with the changes by the County Attorney. Commissioner Wesson **SECONDED** the motion. The **MOTION PASSED** unanimously.

**DISCUSSION AGENDA**

**APPOINTMENT PROCESS TO BOARDS, COMMISSIONS AND COMMITTEES**

Ms. Deanes presented a proposed application for appointments to boards, commissions and committees. Staff raised several questions about how the new appointment process would be handled.

The Board tabled this matter until the retreat.

Chairman Perry stated that the ethics policy attached to the application was passed by the previous board and asked that the new board pass the same policy.

Commissioner Trent introduced a **MOTION** to approve the code of ethics. Commissioner Wesson **SECONDED** the motion. The **MOTION PASSED** unanimously.

The code of ethics reads as follows:

**Code of Ethics**

**for the Board of County Commissioners**

**of Bertie County, North Carolina**

-----  
Preamble

WHEREAS, the Constitution of North Carolina, Article I, Section 35, reminds us that a “frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty,” and

WHEREAS, a spirit of honesty and forthrightness is reflected in North Carolina’s State Motto, *Esse Quam Videri*, “To Be Rather than to Seem,” and

WHEREAS, Section 160A-86 of the North Carolina General Statutes requires local governing boards to adopt a code of ethics, and

WHEREAS, as public officials we are charged with upholding the trust of the citizens and

residents of Bertie County, and with obeying the law, and

WHEREAS, as public officials of Bertie County we believe our citizens and residents are entitled to the most open and ethical government possible under the law.

NOW THEREFORE, in recognition of our blessings and obligations as citizens of the State of North Carolina and as public officials representing the citizens and residents of Bertie County and acting pursuant to the requirements of Section 160A-86 of the North Carolina General Statutes, we the Bertie County Board of Commissioners do hereby adopt the following General Principles and Code of Ethics to guide the Board of County Commissioners and the advisory boards and committees of this Board in their lawful decision-making.

### General Principles

- The stability and proper operation of democratic representative government depends upon public confidence in the integrity of the government, and upon responsible exercise of the trust conferred by the people upon their elected officials.
- Governmental decisions and policy must be made and implemented through proper channels and processes of the governmental structure.
- Board members must be able to act in a manner that maintains their integrity and independence, yet is responsive to the interests and needs of those they represent.
- Board members must always remain aware that at various times they play different roles:
  - As advocates, who strive to advance the legitimate needs of their citizens and residents,
  - As legislators, who balance the public interest and private rights in considering and enacting ordinances, orders, and resolutions, and
  - As fair and impartial decision-makers, when making quasi-judicial and administrative determinations.
- Board members must know how to distinguish among these roles, to determine when each role is appropriate, and to act accordingly.
- Board members must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of their constituents. Each official must find within his or her own conscience the touchstone by which to determine what conduct is appropriate.

### Code of Ethics

#### Purpose.

The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for the Bertie County Board of Commissioners and to provide guidance in determining what conduct is appropriate in particular cases. This Code of Ethics should not be considered a substitute for the law or for a board member's best judgment.

The Bertie County Board of Commissioners directs all advisory boards and committees, which currently serve, or which will serve, the Board of County Commissioners, to respect and to abide by these same General Principles and Code of Ethics in the performance of their lawful duties inasmuch as they may be applicable to the performance thereof.

Section 1. The need to obey all applicable laws regarding official actions taken as a board member.

(a) Board members should obey all laws that apply to their official actions as members of the board. Board members should be guided by the spirit as well as the letter of the law in whatever they do.

(b) Board members should endeavor to keep themselves up to date, through the County Attorney and other sources, on: 1) the pertinent constitutional, statutory, and other legal requirements with which they must be familiar, and 2) about new or ongoing legal and ethical issues that they may face in the official positions.

(c) Board members shall comply with General Statute Section 160A-87 and participate in the periodic ethics education mandated by said statute.

Section 2. The need to uphold the integrity and independence of the board member's office.

(b) Board members should act with integrity and independence from improper influence as they exercise the functions of their office. Characteristics and behaviors consistent with this are:

- Exhibiting trustworthiness.
- Adhering firmly to a code of sound values.
- Using the best independent judgment to pursue the common good.
- Showing respect to everyone.
- Remaining incorruptible, self-governing, and not subject to improper influence, while at the same time being able to consider the opinions and ideas of others.
- Disclosing contacts and information about issues that they receive outside of public meetings, and refraining from seeking or receiving information about quasi-judicial matters outside of the quasi-judicial proceedings themselves.
- Treating other Board members and the public with respect, and honoring the opinions of others even when disagreement arises.
- Not reaching conclusions on issues until all sides have been heard.
- Showing respect for the office and not behaving in ways that reflect poorly upon it.
- Recognizing each board member is a part of a larger group and acting accordingly.
- Recognizing that individual board members are not generally allowed to act on behalf of the board but may only do so if the board specifically authorizes it, and that the board must take official action as a body.

(b) Board members should feel free to assert policy positions and opinions without fear of reprisal from fellow board members or citizens. To assert that a board member is behaving unethically due to the fact that one has a disagreement with that board member based on a question of policy (and not on the board member's unethical behavior) is unfair, dishonest, irresponsible, and is itself unethical.

Section 3. The need to avoid impropriety in the exercise of the board member's official duties.

(a) Board members should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach. Consideration of whether a board member's actions were improper should be considered in light of the circumstances and information available to the board member at the time of the board member's action.

(b) If a board member concludes that his or her actions, while legal and ethical, may be misunderstood, he or she may seek the advice of the board's attorney. He or she may also state on the record the facts of the situation and the steps taken to resolve it.

© In the instance of alleged impropriety by any board member, the board member shall be afforded the opportunity to explain the situation and all relevant facts.

Section 4. The need to faithfully perform the duties of the office.

(a) Board members should faithfully perform the duties of their offices. They should act as the especially responsible citizens whom others can trust and respect. They should set a good example for others in the community, keeping in mind that trust and respect must continually be earned.

(b) Board members should faithfully attend and prepare for meetings. They should carefully analyze all credible information submitted to them, mindful of the need not to engage in communications outside the meeting in quasi-judicial matters. Board members should require full accountability from those over whom the board has authority.

(c) Board members should be willing to bear their fair share of the board's workload. To the extent appropriate, they should be willing to put the board's interests ahead of their own.

Section 5. The need to conduct the affairs of the governing board in an open and public manner, including complying with all applicable laws governing open meetings and public records.

(a) Board members should conduct the affairs of the board in an open and public manner. Compliance with all applicable laws governing open meetings and public records is an understood requisite.

(b) Board members should make clear that an environment of transparency and candor is to be maintained at all times in the County government. They should take deliberate steps to prohibit unjustified delay in fulfilling public records requests and to ensure that any closed sessions held by the board are lawfully conducted.

Adopted this 14<sup>th</sup> day of January, 2013.

---

J. Wallace Perry, Chairman  
Bertie County Board of Commissioners

Attested:

---

Misty J. Deanes, Clerk to the Board  
Bertie County Board of Commissioners

## **COMMISSIONERS' REPORTS**

Commissioner Harrell stated that he had met with representatives from Scotch Hall Preserve and there are exciting things going on in that location.

## **COUNTY MANAGER'S REPORTS**

### **MEETINGS WITH OFFICIALS REGARDING SCHOOL SAFETY**

Interim County Manager Rascoe stated that Commissioner Trent, Commissioner Smith, Sheriff Holley and him had been meeting with the School System regarding school safety, especially following the tragedy in Connecticut. Mr. Rascoe stated that they had also taken a tour of the schools. Mr. Rascoe and Mr. Trent updated the Board on these discussions.

### **BUDGET KICKOFF**

Mr. Rascoe stated that the budget kick-off would occur towards the end of February. Mr. Rascoe stated that the Board would be updated on this at its retreat.

### **RETREAT**

Mr. Rascoe stated that the Board's retreat is planned for February 20-22, 2013 at Moratoc Park in Williamston.

## **COUNTY ATTORNEY'S REPORTS**

There were no reports.

## **PUBLIC COMMENTS CONTINUED**

### **MS. VIVIAN SAUNDERS REGARDING THE MID EAST REGIONAL HOUSING AUTHORITY**

Ms. Saunders informed the Board that she had been nominated and elected as the Vice-Chair of the Mid East Regional Housing Authority. Ms. Saunders inquired about the application process for board members. Chairman Perry stated that members serving current terms on a Board would continue to serve their terms.

### **MR. DAVID THOMPSON REGARDING PROPOSED URANIUM MINING IN VIRGINIA**

Mr. David Thompson presented the Board with information that he had received stating that there is a push to remove the moratorium on uranium mining in Virginia. Mr. Thompson stated that the watershed affected would be the Dan River watershed which goes into the Roanoke River Basin. Mr. David Thompson discussed the detrimental affect this would have on the Roanoke River. The Board stated that they would discuss this matter at the retreat.

### **MR. JOE HOGGARD REGARDING SCHOOL SAFETY**

Mr. Joe Hoggard stated that he serves on a parent advisory committee and they had discussed communication between the Sheriff's Office and schools in case of an incident. Mr. Hoggard stated that an example used was that during the bank robbery in Roxobel, schools received no notice that the gentleman was at large in the community. Mr. Hoggard stated that there was also another case where a gentleman was at large in Windsor and the schools received no notice.

Commissioner Trent stated that this matter had been discussed with Sheriff Holley and the group looking at school safety.

### **LETTER REGARDING SALE OF SCHOOLS**

Interim County Manager Rascoe directed the Board to review a draft letter the County Attorney planned to send to the School System informing them of the requirements for the use of funds from the sales of schools since the School System was currently selling schools. The Board directed the County Attorney to send the letter.

**ADJOURN**

Chairman Perry adjourned the meeting.

---

J. Wallace Perry, Chairman

---

Misty J. Deanes, Clerk to the Board