

**Windsor, North Carolina
October 10, 2013**

The Bertie County Board of Commissioners met at 5:00pm on October 10, 2013 in the Commissioners Room. The meeting was reconvened from the October 4, 2013 Planning Session, which was a reconvened regular meeting of September 16, 2013. The following members were present or absent:

Present:	J. Wallace Perry, Chairman Charles L. Smith, Vice-Chairman Rick Harrell John Trent Ronald "Ron" Wesson
Absent:	None
Staff Present:	County Manager Scott Sauer Clerk to the Board Sarah Seredni Assistant County Attorney Jonathan E. Huddleston Finance Director William Roberson Economic Developer Steve Biggs

Chairman Perry reconvened the meeting.

INVOCATION & PLEDGE OF ALLEGIANCE

Chairmen Perry led the invocation and Pledge of Allegiance.

Commissioners declined a closed session to discuss Sunenergy1 (Solar Project) approval documents. The Board continued in open session.

PUBLIC COMMENTS

There we no Public Comments. Only Board members and Staff were present.

DISCUSSION AGENDA

Assistant County Attorney Jonathan E. Huddleston advised the Board on approval documents for the solar project. A proposed Resolution was presented and the Board discussed accepting the offer of long term lease from Sunenergy1, LLC.

**RESOLUTION OF THE BERTIE COUNTY BOARD OF COMMISSIONERS
TO ACCEPT OFFER OF LONG TERM LEASE FROM SUNENERGY1, LLC**

WHEREAS:

1. Bertie County and the Town of Windsor are the owners as tenants in common of the following real property in Windsor Township, Bertie County, North Carolina:

Tract C, containing 20.97 acres, more or less, and Tract D, containing 31.21 acres, more or less, as shown on the map entitled "Survey For County of Bertie," dated June, 2003, and prepared by Hobbs Upchurch & Associates, P.A., Consulting Engineers and Surveyors, which map is of record in Plat Cabinet B, page 466, in the office of the Register of Deeds of Bertie County and is incorporated herein by reference.

2. Bertie County and the Town of Windsor received a negotiated offer from Sunenergy1, LLC., to lease part or all of the above-described lands for an initial term of 15 years, with a possibility of three additional terms of 5 years each, for a total of 30 years.

3. The specific purpose of the negotiated lease offered by SunEnergy1, LLC, is to develop and use solar photovoltaic electricity generating facilities and related facilities.

4. This negotiated offer was received in the form of an Option To Lease, executed by Sunenergy1, LLC, on September 26, 2013.

5. By Joint Resolution adopted on September 26, 2013, the Board of Commissioners of Bertie County and the Board of Commissioners of the Town of Windsor proposed to accept the offer pursuant to G.S.§160A-272 and G.S.§160A-269.

6. Pursuant to G.S.§160A-269, SunEnergy1, LLC, on September 26, 2013, deposited with the Town Administrator the sum of \$25,437.75, which is five percent of the bid of SunEnergy1, LLC.

7. Pursuant to G.S.§160A-269, the Board of Commissioners of the Town of Windsor and the Board of Commissioners of Bertie County on September 28, 2013, published a Notice in the Roanoke-Chowan News Herald that the Boards proposed to accept the negotiated offer of SunEnergy1, LLC.

8. Pursuant to G.S.§160A-269, the ten day period for upset bids has expired without receipt of any raised bids.

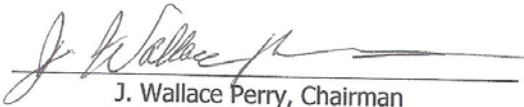
9. The Board of Commissioners for the Town of Windsor have this same day accepted the SunEnergy1, LLC offer and authorized their Mayor and Town Clerk to execute the Option To Lease.

NOW, THEREFORE, BE IT RESOLVED:

Section 1. The Board of Commissioners of Bertie County accepts the foregoing offer of SunEnergy1, LLC.

Section 2. The Chairman of the Board of Commissioners is authorized to execute the Option To Lease, dated September 26, 2013, which previously has been executed by SunEnergy1, LLC.

This resolution was duly adopted at a regular meeting of the County Commissioners held on the 10th day of October, 2013.



J. Wallace Perry, Chairman
Bertie County Board of Commissioners

Attest:



Sarah Seredni
Clerk to Board of Commissioners

APPROVAL OF SUNENERGY1 RESOLUTION

Commissioner Trent introduced a **MOTION** to sign the Resolution offer of long term lease from Sunenergy1, LLC. Commissioner Smith **SECONDED** the motion. The **MOTION PASSED** unanimously.

COUNTY MANAGER'S UPDATES

County Manager Sauer discussed impacts of current Federal Government shutdown as it relates to Bertie County. Most immediate impacts will be felt by the Department of Social Services since most of their funding is provided through Federal reimbursements.

Bertie County Department of Social Services Linda Speller requested that the Board suspend the current daycare subsidy program effective October 18th. This suspension would affect 164 children and their families. The County would be responsible for \$50,416.55 if the Federal Government shutdown continued and no reimbursement was made.

Commissioner Wesson posed a question to Mrs. Speller regarding alternative daycare options in the County and if any spots in those programs were currently vacant. Ms. Speller stated that no other programs (such as SmartStart) have open spots at this time.

Mrs. Speller also discussed strategies her department has initiated, such as freezing vacant positions and deferring capital outlay expenditures while the federal shutdown continues.

County Manager Sauer said that the County would continue to monitor the situation, and that further action may be required if the federal shutdown continues.

Commissioner Smith introduced a **MOTION** to suspend the daycare subsidy program as of October 18th, 2013. Commissioner Trent **SECONDED** the motion. The **MOTION PASSED** unanimously.

Chairmen Perry requested an update about progress of NC FAST. Ms. Speller stated that minus a few glitches that the program is going well.

PREPARATION FOR PUBLIC HEARING

Various decorum rules were reviewed. A revised Fact Sheet was distributed to the Board that would also be distributed at the hearing.

Commissioner Wesson posed a question to the Board about whether or not it truly is "free of charge" to dispose of anything in the County landfills. A citizen mentioned to Commissioner Wesson that he had attempted to dispose of a boat in the County landfill but was told he had to pay.

Consensus was made to consult the contracts and County attorneys.

DISCUSSION AGENDA, CON'T.

Economic Developer Steve Biggs approached the Board with an update about the Golden Leaf grant to extend a sewer line. He stated that Bertie County does not have an automatic extension and that an RFI (Request for Information) must be submitted by October 15, 2013.

The Town of Windsor is ready and prepared to complete the application in collaboration with Bertie County for two sewer line extension projects.

Commissioner Wesson introduced a **MOTION** to move forward with the Golden Leaf application in collaboration with the Town of Windsor. Commissioner Trent **SECONDED** the motion. The **MOTION PASSED** unanimously.

County Manager Sauer requested the Board go into a brief Closed Session pursuant to N.C.G.S. § 143-318.11(a)(6).

Commissioner Smith introduced a **MOTION** for the Board to go into a brief Closed Session, 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 Wesson **SECONDED** the motion. The **MOTION PASSED** unanimously.

Board shifts into Closed Session.

CLOSED SESSION

Commissioner Smith introduced a **MOTION** to return back to Open Session. Commissioner Trent **SECONDED** the motion. The **MOTION PASSED** unanimously.

Board shifts back into Open Session.

DISCUSSION AGENDA, CON'T.

Assistant County Attorney Huddleston advised the Board on current landfill contracts and what items are considered free to dump and which items are not free to dump.

Attorney Huddleston said that the landfill contract does not allow free disposal of every type of waste that a Bertie County citizen might bring to the landfill. He said that a citizen's residential waste would receive free disposal only if it falls into one of four categories: solid waste, C&D waste, special waste or yard waste. He said that a boat that is entirely intact arguably does not fit within one of those categories. That being the case, the citizen was charged properly and in accordance with the contract.

ADJOURN

Chairman adjourned the meeting until the Curbside Solid Waste and Recycling program Public Hearing at 7:00pm.

J. Wallace Perry, Chairman

Sarah Seredni, Clerk to the Board

Windsor, North Carolina
October 10, 2013
Curbside Public Waste/Recycling Program Public Hearing

The Bertie County Board of Commissioners met for a public hearing at 7:00pm on October 10, 2013 on the second floor of the Windsor Courthouse. The public hearing was held in order to receive public comment and input about the proposed Curbside Public Waste and Recycling Program. The following members were present or absent:

Present: J. Wallace Perry, Chairman
Charles L. Smith, Vice-Chairman
Rick Harrell
John Trent
Ronald "Ron" Wesson

Absent: None

Staff Present: County Manager Scott Sauer
Clerk to the Board Sarah Seredni
County Attorney Lloyd Smith

Chairman Perry opened the meeting.

Commissioner Wesson gave the invocation and Pledge of Allegiance.

Chairman Perry began by thanking the citizens present for being interested in local government. He also stated the purpose of the public hearing which is to receive public comment from citizens of Bertie County about the proposed curbside garbage pick-up. Chairman Perry also assured those in attendance that this proposal was not a "done deal" and that no decision has been made to accept or reject the proposal.

Chairman Perry explained current garbage disposal procedures. The Chairmen stated that there were currently 5 convenience centers costing the county \$487,000. Chairman Perry also stated that requests have been made to open more convenience centers to accommodate more citizens who have a longer drive to the nearest convenience center. This reason prompted the Commissioners to discuss the proposed Curbside program.

Chairman Perry stated that adding two new centers would take roughly \$700,000 from the county budget. A request for proposals was sent out and two companies responded: Republic and Waste Industries. Republic currently owns the regional landfill and Waste Industries runs the operations of the convenience sites.

Chairman Perry stated that after evaluation and negotiation Waste Industries has the best offer in the event that the proposed program is to be approved.

Chairman Perry encouraged all citizens present to read the Fact Sheet provided.

Chairman Perry stated that the weekly price for curbside trash/recycling pick-up would be \$2.40 for recycling, white and brown goods, and e-waste. Annually, the price would equate to \$124.80 and would be locked in for 5 years. Trash pick-up would occur weekly and recycling pick-up would occur bi-weekly.

Before the floor was opened for public comment, Chairman Perry asked if there were any questions. A citizen requested that the air be turned on. Another citizen asked if microphones could be used or if the Chairman could speak louder. Chairman Perry advised citizens that the air would be looked into and that he would talk louder since no extra, working microphones were available.

Chairman Perry opened the floor to public comment with a time limit of 3 minutes each. Citizens were able to sign up upon arrival.

Willie Outlaw of Powellsville stated that he was not in favor of the proposed program and that the roughly \$600 he would have to spend over the 5 year period would be better used on other things. Mr. Outlaw stated that he had no issue with traveling to the convenience sites and that it would be unfair to close them when there are citizens who do not agree with the proposed program. Mr. Outlaw posed a question regarding the yearly cost that the County would have to pay to run the trash pick-up program.

Reverend James Clemons posed questions regarding the advantages and disadvantages of the curbside pick up program as well as any strategies to keep the cost from ballooning after the 5 year period has expired. He also inquired about how a citizen would receive the curbside pick up if they are not located near a paved highway. Lastly, he asked how many jobs would be created in the County.

James Heckstall of Merry Hill stated the current sites are doing an excellent job. Mr. Heckstall asked about how many trucks would be needed to perform this curbside pick-up. He also suggested that more convenience sites and safety should be seriously considered.

Joe Hoggard of San Souci stated that he hoped the Commissioners really had not made up their minds yet and that it only takes 3 Commissioners to have their minds made up for this program to be a done deal. Mr. Hoggard stated the current system has been working well for 30 years and that it would cost more for curbside than the convenience sites.

Wood Perry stated he did not think the trash pick-up program was the best thing for the County. Mr. Perry raised concerns about the annual fee when it came to churches, non-profits, etc. He also showed concern for safety and possible road hazards that could arise.

James Pugh asked if we are considering everyone in the County and that if other area counties have trash pickup then why can't this county. Everyone should be served.

Gayle Harris stated that she was opposed to closing the sites and that they were convenient to a majority of the county. She asked if the company would retrieve and return the trash can to the proper location if the citizen had a doctor's note. Ms. Harris also asked when this program would take place, the amount the County would save per year, and if the Commissioners felt this would be a benefit to all citizens. She closed by saying that if it isn't broken then don't fix it.

Martha Thompson of Lewiston Woodville said she wasn't for or against the program. Her concern was recycling and if certain municipalities didn't have recycling already that they should be encouraged to receive recycling services through this program if it were approved.

Lucille Phelps stated that the number one priority should be safety especially when it comes to farmers on large pieces of equipment and school buses. She also raised concerns about the cost of the program and keeping the County clean.

Karea Ray of Tracker raised concerns about this program being an unfair tax increase. She requested a referendum be placed on the ballot for the next election.

John Davis stated that if the Commissioners already had their mind made up then there wouldn't be a reason to hold a public hearing. He also expressed that if the rates were unreasonable after the 5 year period that you could discontinue using this particular curbside provider.

Earl Harrell stated that the main concerns should be safety and the amount of trucks that would be needed to move the trash up and down the road in a stop and go fashion.

Terry Pratt mentioned that the system in place is working fine and if there are those who need help with getting their trash to the convenience sites that local churches should be stepping in to assist.

Marvin Kelly stated that he appreciated the Commissioners taking the time to study and negotiate this proposed program but that he was not in favor. Mr. Kelly also stated that this program is a solution in search of a problem. He also stated that those who are currently disadvantaged would continue to be disadvantaged with a tax increase and that once you go with this system that you would never be able to return to using the convenience sites.

Monica Lassiter stated she was in favor of the program and mentioned other counties in the area with a similar program have clean counties. Ms. Lassiter also noted a petition she distributed and then received a large number of signatures in support of the program.

George Copeland stated he currently works at a convenience site working over 20 hours a week. Mr. Copeland said he doubted the cans could hold the amount of trash and debris that they should.

Reverend Gary Cordon spoke in favor of the program and that his church does assist citizens in delivering their trash to the convenience sites. He also stated that many citizens need immediate help with this problem.

Frances Baker of Windsor spoke in defense of the current workers at the convenience sites stating that the sites are always kept clean and that the workers will assist citizens in disposal of their trash and unwanted items if needed. Ms. Baker suggested that the Commissioners search for a solution to those who are inhibited or disadvantaged in some way and not close all sites.

Randolph Watford of Colerain stated that he is against the program and that if you are an able bodied person then you should be able to get your garbage to the convenience sites.

Sandra Hardy showed favor for the curbside program due to so many citizens being unable to deliver their trash to the sites. Ms. Hardy referenced the Fact Sheet and that the trash bins would be located a certain distance away from the road so vehicles wouldn't be hindered. She also stated that open mindedness is important and that change doesn't happen without supporting ideas and each other.

Bethel Brian stated that she is in favor of the program and that she is tired of delivering her garbage to a convenience site. She also said that if the tractors could handle the road then so could the garbage trucks.

Chavaletta Jones Jackson explained an experience she had with a person she hired to deliver her trash to the landfill but that this person was discarding her trash into the woods beside the landfill. Ms. Jackson only knew that this was happening after someone found her name in the trash and reported it to her. She stated that she doesn't advise citizens to trust just anyone to take their garbage to the proper place and that there was no reason that the County shouldn't provide this service.

Anthony Smallwood stated that he was a disabled veteran in favor of the program.

Rod Mumma of Merry Hill stated that the proposed cans would not be able to stand up on Highway 17 due to traffic and that the Commissioners should listen to the people.

Chris Cale stated that most of the items he brings to the convenience sites now are not to be placed into the proposed trash containers. Mr. Cale questioned what will be done with types of debris or unwanted items to avoid excess burning, dumping in the woods, etc.

Donald Byrum is a convenience site worker who has exceeded the maximum number of hours for that position on a normal basis. Mr. Byrum stated that it's a big mistake and that he heard Waste Industries had already ordered trash cans and that there was a contract already in place.

The Chairman recognized Ms. Norma Yanez, a representative of Waste Industries, who clarified that there was no contract with the County, and no carts have been ordered for the Bertie County project.

William Winfield of Hexlena stated that this program is economical and that he is in favor. Mr. Winfield also stated that there are people not considering those who can't deliver their trash to the sites.

Jerry Cowand of Merry Hill is against closing the convenience sites and questioned if there could be a hybrid system.

Judy Bowen of Windsor is opposed to closing the convenience sites because of certain roads not having anything but a 3 foot shoulder. Mr. Bowen stated that the trucks would have to stop in the travel lane which would create not only safety hazards but traffic concerns also.

Geraldine Harrell stated that she is against the program and wants to be able to drop off her trash when convenient for her and not have to wait for the designated pick up day.

Jim Myers of Highway 45 mentioned a contractor in the audience who could work with anyone interested in receiving curbside pick up. Mr. Myers introduced the Commissioners and citizens to Coleman Holley.

Coleman Holley stated that he is the owner of a service that has been operating in the area for 20 years. Mr. Holley stated he could provide services to those in need for a reasonable rate.

Jerry Davis stated that those in favor of the program should fill the proposed trash cans and take them for a test run down their driveways.

Commissioners addressed these questions and concerns as appropriate.

Chairman Perry concluded the public comment session of the hearing.

Commissioner Wesson spoke about current costs and the costs of opening extra sites versus going through with a curbside program. Mr. Wesson stated that citizens will end up paying more in taxes with the new sites or curbside service. The new sites would still require many citizens to drive a considerable amount. Mr. Wesson also stated that this system would be fair to everyone and that other counties with similar systems in place do not have safety or cleanliness issues.

Commissioner Harrell stated that he was elected to serve the citizens and do what the citizens want.

Commissioner Trent stated that he spoke to 77 households and that 75 of those households were in favor. He also stated that he had been on a radio program with most callers being in favor and that he and the Commissioners would make a decision that was best for the County.

Chairman Perry stated that he and the Commissioners would make a decision that was best for the county and that he felt for the individuals who had a longer distance to their nearest convenience site. He requested that the citizens pray for the Commissioners so that they could come to the right decision.

Chairman Perry concluded the hearing at 8:30pm.

J. Wallace Perry, Chairman

Sarah Seredni, Clerk to the Board