

**Windsor, North Carolina**

**August 19, 2013**

**Regular Meeting**

The Bertie County Board of Commissioners met for a regular meeting at 7:00 PM in the Blue Jay Fire Department, 1351 Indian Woods Rd., Windsor, NC 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: County Manager Scott Sauer  
Clerk to the Board John E. Whitehurst  
Finance Director William Roberson  
County Attorney Lloyd Smith

**INVOCATION & PLEDGE OF ALLEGIANCE**

Reverend Anthony Ward led the invocation and Commissioner Trent led the Pledge of Allegiance.

Chairman Perry opened the meeting, thanked everyone for coming, and, on behalf of the board, expressed appreciation to the Blue Jay Fire Dept. for hosting the meeting. Fire Chief Robert Cherry welcomed the board and others to this historical event. This is the first time that a Board of Commissioners has met in Indian Woods, and specifically, at their Fire Department. He stated that long time Fire Chief and community activist Bart F. Smallwood would be proud of this moment since he was the leader in starting the Fire Dept. Fire Dept. board member, James Pugh also expressed appreciation for the event and stated that this was Commissioner Smith's voting territory. He asked that the board always strive to serve everyone in the county and that if everyone works together opportunities would be greater.

**PUBLIC COMMENTS**

Chairman Perry opened the floor for public comments.

Ms. Dora Lassiter of Church Lane asked the board to investigate and help her and the other residents of that community get their private driveway repaired and kept in a decent condition. She questioned why DOT was unable to assume upkeep of the driveway since there were many around the county that DOT maintained. Chairman Perry informed her of the requirements for DOT to assume ownership and maintenance of private roads. The driveway in question does not meet DOT standards and is not eligible for assistance.

Commissioner Wesson reiterated some of his experiences while attempting to persuade the owner of the road to make the much needed repairs. None of his attempts have proven successful. Commissioner Trent stated that he had several complaints concerning similar problems from other areas of the county. Chairman Perry informed Ms. Lassiter that the board would discuss the problem and involve county staff to try to determine some solution to the problems.

Robert Cherry, Blue Jay Fire Department, Fire Chief, asked for help with a continuing problem of the 911 Center dispatching Windsor Fire Dept. and/or Lewiston Fire Dept. to fires within the Blue Jay fire district and not dispatching Blue Jay. He stated that approximately one third of the calls dispatched for their area were going to Windsor and/or Lewiston as first dispatch. He said he expected Sheriff Holly and EM Coordinator Mitch Cooper to attend the meeting but neither was in attendance at the meeting. Chairman Perry informed Mr. Cherry that he would take this complaint as a personal matter and meet with those involved. Other members of the Fire Dept. said that they had talked to the previous County Manager and had scheduled a meeting to work on the problem. However, the County Manager did not show up for the meeting.

Commissioner Wesson stated that these types of complaints were the main reason the board was conducting community meetings and he appreciated the citizens coming and voicing concerns. Commissioner Harrell informed the audience that these problems could be fixed and assured them that this particular problem had been brought to the attention of the board. Chief Cherry informed the board that the community was having a problem with stray cats. The

Animal Control Officer had been notified but they had received no response from the request. Commissioner Trent said that he had been working with the Sheriff and there was a large number of service calls for the Animal Control Officer. The board had added another position to hire a second officer to help with the backlog.

Mr. Aaron Rascoe, 1108 Indian Woods Rd, asked for some assistance with flooding of the road at his residence. He said he had called DOT and left messages but had no response to his repeated calls. The board assigned the complaint to County Manager Sauer. They asked that he handle the matter with DOT and try to get the ditches cleaned.

Mr. Conner discussed the proposed solid waste door to door collection program. He asked if the board would allow the citizens to vote on the proposal. He was informed that this was an issue that the State of NC would not allow a vote. However, the board would be conducting a public hearing on the proposal before the board makes a decision. He cited several rumors that he had heard. The board responded by giving the cost and schedules that had been received from vendors. He thanked the board for the true information.

Another citizen raised the issue of not having rural sewer service. The board responded that the main issue with countywide rural sewer was the cost associated with such a program. The service was extremely cost prohibitive.

Ronald Rascoe asked assistance from the county as the recreation group tried to move forward with the formation of their 501-c(3) nonprofit organization so that they could apply for recreation funds. Commissioner Wesson asked them to keep working on the formation of the organization and the county would assist as much as possible.

Anthony Smallwood, son of Bart Smallwood spoke of his father's desire to work together and conduct joint meetings. He said his father's dream was still alive in the community.

### **APPOINTMENTS**

Mr. Anthony Ward, representing the South Windsor Water Authority, informed the board that the board and users had voted to turn their water system over to Bertie County if the county was interested in the proposal. Formed in 1969, the authority serves an approximate area from the County Farm Rd southward to the Ward Rd. The authority purchases water from the Town of Windsor and distributes the water to approximately 170 to 180 customers. They have an aging system that is in fairly good financial condition and is operating in the black. The authority has no state operating violations. Why would the authority want to make a change? Mr. Ward said that all members of the authority board are getting older and there seems to be no younger users that have shown an interest in taking over management of the system. Also, they have a declining customer base since the Town of Windsor has gradually taken their customers through several grants that installed new lines and meters. At their annual meeting, conducted on July 26, 2013 a vote was conducted and all in attendance voted unanimously to turn the system over to the county.

The SWWA's financial balance sheet showed an accumulated depreciation on fixed assets in the amount of \$41,725.20. That amount could be turned over to the county. The remaining cash on hand would be used to compensate the board members for their prior years of volunteer service and to subsidize existing customer's water rates in an amount to compensate the county for the difference between the existing authority water rates and the county rate. Mr. Ward stated that the authority would need to have an outside auditor perform an audit of the books.

Commissioner Wesson stated that the authority was in his district and they had done an excellent job of building the system. The customers had said "No" to turning the system over to the Town of Windsor. One reason stated was that they have no say in the government of Windsor and no participation in the elections, but they have a say and a vote in the county. With existing system components, the county could immediately start furnishing water to the system by turning one valve. He knew that the system transfer would require a contract and he would like to make a motion to move forward with assuming ownership of the system.

Commissioner Harrell asked if the county engineers had seen this proposal and he felt that we owed it to ourselves and the county to have an engineer's report. Ricky Spivey indicated that McDavid engineers had not been involved in the proposal and while the system had some leaks, overall it was OK. Commissioner Trent stated that he agreed with Commissioner Wesson and believed the county should move forward now. Commissioner Harrell disagreed and stated that he felt it was necessary to have the engineers do an impact study on the cost of assuming ownership of the system.

Commissioner Wesson introduced a motion that, in principle, the county will agree to acquire the South Windsor Water Authority, pursuant to a contract and engineer's study to be performed. Commissioner Trent seconded the motion and it was unanimously approved.

Judge Rob Lewis appeared before the board to discuss possible solutions to the financial condition of the regional Domestic Violence program. As Vice Chairman of the board he was there in the absence of the Chairman. He gave an overview of the various portions of the program which is designed to help make a behavior change in the individuals assigned to the programs. Bertie County serves as the financial administrator of funds for the Domestic Violence program. The State did not award any grant funds for continuation of the program for the period July 1, 2013 through June 30, 2014. As financial administrator, Bertie County has an approximate \$11,000 deficit for the past year of operation. The program is funding jointly by Hertford County, Northampton County, Bertie County and the State of NC. The program is currently using a phone and office furnished by Bertie County. Judge Lewis asked that Bertie County consider not contributing any funding for the next 3 years if the deficit could not be resolved. Also, the county has been contributing funds and receiving back \$400 per month office rent and \$5,000 a year in administrative fee. He asked that the county think about not charging any rent and fees for the past year. Commissioner Trent interjected that one of the employees had stated she would be applying for unemployment and it appeared that the county would be responsible for that expense.

Judge Lewis stated that the program was all grant, but that makes no difference and he hoped the program would be funded again.

There was no resolution of the funding deficit and no clear directions as to the future funding of the program.

Mr. Jimmy Hite, architect for the new Bertie High School, distributed a one page summary of the present construction status. He reviewed each item of the summary and answered questions. He described the advantages of the new system of thermal coating being used to increase the energy efficiency of the buildings. Additionally, he described the construction principles and advantages being used in the construction of the hallways. The hallways are designed to be a "vault" and large enough to assemble the entire student population in case of a hurricane or tornado.

Item D-2 on the Discussion Agenda: The board had received a contract from Roanoke Electric Cooperative for installing outside lighting and poles throughout the premises. The monthly rental charge was \$1,615.20 based upon \$43.45 per month for each light. Nine locations required two lights per pole and the cost was \$20.25 per light. After discussion, it was determined that the contract was a lease arrangement and would be a monthly operational charge to the Board of Education. The arrangement would require the Board of Education to commit to the agreement and pay the lease once the Board of Commissioners agreed to the installation. Also, Mr. Hite was questioned as to the cost and service area for the Town of Windsor to provide power to the facility. Mr. Hite was unaware of the costs. He was instructed to handle both matters consisting of a written agreement from the Board of Education to commit to the lease payments and to investigate power options with the Town of Windsor. He was instructed to bring it back before the Board of Commissioners for final approval after resolving the two assigned chores.

Item D-1 on the Discussion Agenda: The discussion item relative to project ordinance (D-1) amendment for the new high school was approved upon a motion introduced by Commissioner Trent, seconded by Commissioner Smith and unanimously approved.

**Bertie High School  
Amended Project  
Ordinance August 19,  
2013**

**BE IT ORDAINED** by the Board of Commissioners of Bertie County, North Carolina, sitting as the governing board for Bertie County. The Bertie High School Project Ordinance originally adopted on May 21, 2012, and amended thereafter is amended to read:

- Section 1. This project will consist of the construction and equipping of a new high school to be known as Bertie High School.
- Section 2. This portion of the project will be funded with Qualified School Construction Bond funds and Limited Obligation Bond funds, together with other funds.
- Section 3. The following amounts are hereby appropriated for this project:

Construction	\$ 19,705,406
Engineer & Architectural Fees	910,121
Furniture, Fixtures & Equipment	300,000
Special Counsel Fees	50,000
Other Legal/Fiscal Cost	200,000
Bond Insurance & Bond Discounts	69,473
Contingency	300,000
Total	\$ 21,535,000
Transfer to School Capital Projects Fund	\$ 650,000
Total Appropriation	\$ 22,185,000

Section 4. The following revenues are anticipated to be available to complete the project:

QSCB Funds	\$ 18,030,000
Limited Obligation Bond Funds	3,455,000
Total	\$ 21,485,000
Transfers from School Capital Projects Fund	\$ 700,000
Total Revenues	\$ 22,185,000

Section 5. The Finance Director is hereby directed to maintain within the Bertie High School Project Fund, sufficient specified detailed accounting records.

Section 6. The Finance Director is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and Section 4.

Section 7. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this board.

Section 8. Copies of this Amended Capital Project Ordinance shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Director for direction in carrying out this project.

Adopted this the 19<sup>th</sup> day of August , 2013.

The board reviewed the recommended rules and regulations for the rental and use of the Senior Center. Chairman Perry recommended, and the board agreed, that the item should be discussed during the September board retreat. County Manager Sauer was asked to include this item on the discussion agenda. County Attorney Smith noted that many of the items listed in the recommendations could be better described if the words “private use” were inserted into the line item.

#### **CONSENT AGENDA**

Budget Amendment 13-03 was approved upon a motion by Commissioner Wesson, seconded by Commissioner Smith. The board approved the motion unanimously.

The minutes for June 5, 2013, July 1, 2013, August 5, 2013 and closed session for August 5, 2013 were approved subject to changes reviewed by County Attorney Smith and to be furnished to the Clerk. A motion for approval was introduced by Commissioner Wesson and seconded by Commissioner Smith. It was unanimously approved.

#### **DISCUSSION AGENDA**

Finance Director William Roberson had prepared a budget amendment for funding of the proposed contracts for Backup Operation Responsible Charge to perform well certification during days off for the Water System Director Ricky Spivey. Funds in the amount of \$5,000 were authorized to be transferred from Salary and Fringe Benefits line item to the Contracts line item. Spivey’s work schedule was for 4 hours per day for 14 vacation days and 20 weekend days for a total of \$3,400 labor, plus mileage for a total cost of \$5,000. A motion for approval of the amendment was introduced by Commissioner Wesson, seconded by Commissioner Trent and unanimously approved.

County Manager Sauer reviewed a proposed contract prepared by USDA-FSA for the continuation of the lease of 2,544 usable square feet of office and related space in the county administration building. The rental period will be October 1, 2013 through September 30, 2013 at a monthly payment to Bertie County of \$2,226.00.

Commissioner Trent introduced a motion for approval and it was seconded by Commissioner Smith. The motion was approved unanimously.

County Attorney Smith led a discussion on the water system draft “Non-Residential Checklist Water System Service Request” and the associated “Regulations and Amended Checklist for Privately Financed Waterline Extensions Reaching to the Boundary of an Entity’s Property and Extensions within the Boundary of an Entity’s Property”. The documents were presented during a previous water system work session and have been amended and corrected by Attorney Smith and McDavid & Associates. Commissioner Trent questioned the non-inclusion of the section pertaining to the water usage commitment and the rate change when exceeding the 80% capacity use. Attorney Smith indicated that this section should be included but somehow was not in the draft. Commissioner Trent introduced a motion to approve the draft subject to inclusion of the 80% rule in the document. His motion was seconded by Commissioner Wesson and unanimously approved. Attorney Smith stated that he would have the new draft prepared.

Planning & Inspections Director Traci White asked what would be her relationship with these

regulations. The board informed her that she should be aware of the rules and should be prepared to inform industrial clients and answer subdivision questions.

### **COMMISSIONERS' REPORTS**

Chairman Perry informed the public and the board of the death of ABC Board member Eddie "Blue" Watford. A proclamation has been prepared and Chairman Perry asked that the board adopt the proclamation in memory of his life and commitment to service to the community. The board approved the following proclamation and asked that he present the document at the funeral services.

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**BERTIE COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
**August 20, 2013**  
**PROCLAMATION**  
**IN SYMPATHY TO THE FAMILY AND FRIENDS OF**  
**EDDIE BLUE WATFORD**

**WHEREAS**, the residents of Bertie County were greatly saddened when their long time friend and faithful servant, EDDIE "BLUE" WATFORD, was taken from them, and,

**WHEREAS**, during a long and productive lifetime, he demonstrated great support for BERTIE COUNTY, the local community and the numerous civic activities, and,

**WHEREAS**, he served as a faithful member of the BERTIE COUNTY ABC BOARD from July 1, 1999 until his passing, and,

**WHEREAS**, we mourn his loss and extend to his family and friends our sincere sympathy and express our appreciation for his leadership, his foresight in meeting the needs of the citizens of BERTIE COUNTY, his unselfish and dedicated devotion to the duties of his board membership and his significant impact on our community.

**NOW, THEREFORE BE IT HEREBY PROCLAIMED** that the BERTIE COUNTY BOARD OF COMMISSIONERS, on behalf of the entire community, this the 19<sup>th</sup> day of August, 2013, does hereby express deep sorrow at the passing of EDDIE "BLUE" WATFORD, who had a distinguished life and whose life and memory we are proud to honor.

Adopted this the 19<sup>th</sup> day of August, 2013

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### **COUNTY MANAGER'S REPORTS**

County Manager Sauer reminded the board that he would be attending the NCACC conference in Greensboro on Thursday and Friday of this week.

### **PUBLIC COMMENTS CONTINUED**

Chairman Perry again thanked everyone for attending and said he hoped that they enjoyed the meeting and learned a lot about the duties of the board. He recognized Anthony Rascoe, Building and Grounds Director and told the audience that as a member of the Indians Woods community the county appreciated his work.

Chief Robert Cherry stated that the water had a terrible smell and needed to be flushed more often to eliminate the smell. Ricky Spivey acknowledged the comments. Chief Cherry also asked that Ricky Spivey deliver them some red paint and the Blue Jay Fire Dept. would paint the area fire hydrants. Chief Cherry said that they had not been painted in years and needed to be painted.

Mr. Rascoe reminded the board that the recreation organization needed the county's help with their 501-c(3) application. Chairman Perry asked that he stay in touch with members of the board and keep them informed of the progress.

**ADJOURN**

Chairman Perry adjourned the meeting.

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J. Wallace Perry, Chairman

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John E. Whitehurst, Clerk to the Board