

Windsor, North Carolina
November 16, 2015
Regular Meeting

The Bertie County Board of Commissioners met for their regularly scheduled meeting at 7:00pm at 106 Dundee Street, Windsor, NC. The following members were present or absent:

Present: Ronald “Ron” Wesson, District I
Stewart White, District II
John Trent, District IV
Ernestine (Byrd) Bazemore, District V

Absent: Tammy A. Lee, District III

Staff Present: County Manager Scott Sauer
Assistant County Attorney Jonathan Huddleston
Finance Officer William Roberson
Network Administrator Joe Wilkes
Economic Development Director Steve Biggs
Human Resources Director Carolyn Furnes
Department of Social Services Director Linda Speller
Income Maintenance Supervisor of Food and Nutrition Services,
Velma Whitaker
Income Maintenance Supervisor of Work First Vernetta Henderson
Income Maintenance Caseworker for Food & Nutrition Services,
Jean Copeland

Gene Motley of the Roanoke-Chowan News Herald, and Barry Ward of the Bertie Ledger-Advance were present from the media.

CALL TO ORDER

Chairman Wesson called the meeting to order, and thanked those present for their attendance.

INVOCATION/PLEDGE OF ALLEGIANCE

Chairman Wesson led the Invocation and Pledge of Allegiance.

PUBLIC COMMENTS

There were no public comments during this section.

APPOINTMENT

Pound the Sound review and video presentation by Windsor Chief of Police, and President of the Windsor Rotary Club, Todd Lane

Chairman Wesson first announced an agenda revision. The Chairman was notified before the start of this meeting that Windsor Chief of Police, and Windsor Rotary Club President, Todd Lane, was unable to attend tonight's meeting. This presentation was deferred until a later date.

Agency program update by Linda Speller, Director of the Bertie County Department of Social Services

Department of Social Services Director, Linda Speller, and various staff members were present to assist in this programmatic update.

Mrs. Speller covered several program areas with significant local funds contributed such as the Special Assistance for adults and disabled persons serving 86 county residents at a cost of \$69,000 per month.

In addition, Mrs. Speller detailed the Medicaid Transportation program which assists clients with travel to and from medical appointments which serves 600 clients annually, and provides approximately 175 citizens with medical trips each month.

Mrs. Speller explained that County Manager Sauer had requested that the Board of Commissioners be provided an updated report regarding the Food and Nutrition Services (food stamps) program performance as compared with benchmark data from other counties.

Mrs. Speller referred the Board to correspondence from the US Department of Agriculture indicating that the State of North Carolina has received a "federal warning" for FNS processing delays which puts \$75,000,000 at risk which is provided annually to local Departments of Social Services for administrative costs.

Bertie County is performing at the 100 percent level as required by the State and federal agencies to insure that clients receive benefits within thirty (30) days of making an application at the local DSS office.

Income Maintenance Supervisor of Food and Nutrition Services, Velma Whitaker, Income Maintenance Supervisor of Work First Vernetta Henderson, and Income Maintenance Caseworker for Food & Nutrition Services Jean Copeland were also present for this report, and

provided detailed examples of the work processes and challenges encountered working through the State system protocols.

Mrs. Speller reported that 5,660 residents receive food stamps and the average monthly benefit for one recipient is \$194, whereas a two person household might qualify for \$337. The household minimum for elderly clients is \$16 per month.

In regards to staffing needs, the average caseload per worker is 400 to 475, and the department is recruiting for the six (6) new positions approved by the Board for FY 2015-2016 which are available January 1, 2016.

Commissioner Bazemore, who serves on the Board of Social Services commended Mrs. Speller and her staff for the outstanding job that they do every day in service to Bertie County citizens.

Presentation by Neil Brothers, Mobile Crisis Services Supervisor for Integrated Family Services

Neil Brothers, Mobile Crisis Supervisor with Integrated Family Services (IFS) provided an introductory summary of mental health coverage for his contract agency under the local management entity, Trillium which was formerly Eastern Carolina Behavioral Services.

Mr. Brothers explained that a crisis occurs when ever a person does not have the coping skills to deal with the particular situation facing them, which ranges from financial to marital stress, substance abuse to suicide or loss of a family member.

IFS mobile crisis services are available 24 hours a day, 7 days per week and provide a two hour minimum response and come to the patient. The caseload in Bertie County averages five to fifteen responses per month.

Economic Development update by Director, Steve Biggs

Economic Development Director, Steve Biggs, reviewed several projects with the Board, including efforts to evaluate a potential hotel site, with the assistance from the Electric-Cities and he noted that the Town of Windsor is an associate member.

He also updated the Board on the construction of a Family Dollar store in Aulander, efforts to site a manufacturing company in the shell building space at the State Prison and several other projects.

He noted that Commissioner Bazemore has been integral to the recruitment of a new Dentist for Bertie County, and will be looking at office space in Windsor in the very near future.

Following Mr. Biggs remarks, Chairman Wesson announced that the Board of Commissioners has project unveiling that has been the result of the collective effort of the County Commissioners and he read the following statement into the record:

“Good evening ladies and gentlemen. As Chairman of this board, it gives me great pleasure to announce a major and perhaps even historic acquisition of waterfront property in support of this county’s Economic Development Strategy as it relates to Adventure Tourism and Waterfront Development. For many years, prior boards have sought a public access waterfront property that would make Bertie County a premier destination for tourism, water sports, camping, entertainment, and family oriented eco-friendly outings.

On today, November 16th, by unanimous vote, this body approved the expenditure of funds in the amount of \$1,250,000 to secure the purchase a 137 acre waterfront property on the Albemarle Sound that includes 2,200 linear feet of beach front access. This property located just east of what is commonly referred to as the Bell property, and west of Bal- Gra, is uniquely pristine and will give this county an opportunity to create one of the premier inter-banks recreational destinations in the State.

Bertie County has a unique opportunity to build on its location as a “gateway community” to the Outer Banks by offering experiences that are unparalleled in the realm of historical, natural resources and eco-tourism. The Board’s action tonight includes the transfer of \$855,000 from Water District 11 cash reserves to the General Fund as repayment of startup loans in the 1990’s, with the remaining \$395,000 from the County’s General Fund. It is this Board’s firm expectation that this acquisition will not negatively impact our county’s tax rates.

Let me share a personal story with you. As a child born here in Bertie County, I was always fascinated with the water, but like so many, I never had the opportunity to enjoy the fun of learning to swim and enjoy water sports in this county. I remember that we once heard that the beaches in Winton were open to us, and my Mom took me and some friends there, but we were turned away. Not to be outdone, my Mom took me and my friends to a pool in Rocky Mount for most of that summer, where we learned to swim and enjoy the water. Even today, this story is far from unique...but the actions of this Board, will open up one of this county’s most cherished assets to all of her citizens and guest alike.

In the coming weeks, the Board of Commissioners will look to engage a planning consultant to assist with development of a vision for the ultimate build out for this property to include road access, parking, restroom and picnic facilities in phase one. Other potential amenities may include an outdoor performance stage on the waterfront, a heritage tourism and a Lost Colony visitor education center. The possibilities are truly unlimited. Can you imagine swimming for children, adventure programming through Cooperative Extension’s 4H Clubs, hosting corporate outings, family reunions, and Church events like Sun Rise Sunday or baptisms in the shallow sandy waters?

Educational field trips for school children, a vacation spot for local families and hosting visitors from across the State and region are also possible.

I want to thank the hard work and dedication of so many of Bertie's finest on our team. Special thanks to Steve Biggs our Dir. Of Economic Development who led this effort; to William Roberson from Finance, Traci White from Planning, our legal team, Lloyd Smith and Jonathan Huddleston, and most importantly our County Manager Scott Sauer. But none of this could have happened without the faith and trust of members of this Board as we work to help "Build a Better Bertie".

It is my prayerful expectation that this investment will proudly serve the citizens of Bertie County for generations to come."

Commissioner Bazemore made a **MOTION** to approve the Assumption and Assignment Agreement as prepared by the County Attorney which provides for the purchase of this property as described by the Chairman. Commissioner Trent **SECONDED** the motion. The **MOTION PASSED** unanimously.

The executed contract reads as follows:

ASSIGNMENT AND ASSUMPTION AGREEMENT

This Assignment of Agreement for purchase and sale of real property made and entered into this the 13th day of November, 2015 by and between Pritchett & Burch, PLLC (hereinafter sometimes referred to as "Assignor") and Bertie County, a Body Politic organized under the laws of the State of North Carolina (hereinafter sometimes referred to as "Bertie" and sometimes hereinafter referred to as the "Assignee").

WITNESSETH, THAT WHEREAS:

- A. Bertie County is a sovereign county in the State of North Carolina;
- B. Pritchett & Burch, PLLC are the attorneys for the Assignee;
- C. In closed session pursuant to N.C.G.S. §143-318.11(a)(4) and (5), the County Commissioners of Bertie County decided that the best interest of the citizens of the Bertie County would be served by attempting to purchase a 137.063 tract of land, which is more particularly described on a plat recorded in Map Book B, Page 655 in the office of the Register of Deeds of Bertie County (hereinafter referred to as the "Tract") for public purposes such as water access for the citizens of Bertie County on the Albemarle Sound and other significant recreational uses;
- D. In closed session pursuant to N.C.G.S. §143.318.11(a)(5), the County Commissioners of Bertie County directed the attorneys of Pritchett & Burch, PLLC to enter into negotiations as an agent for an undisclosed Principal, to-wit Bertie County, for purposes of maintaining confidentiality and preventing any undue increase in the purchase price for the Tract;

E. The County Commissioners of Bertie County authorized and delineated the terms and purchase they were willing to pay for the Tract in Closed Session;

F. Pritchett & Burch, PLLC entered into said negotiations and with the full knowledge, approval, and authority of the County Commissioners of Bertie County, successfully negotiated a purchase for the Tract as shown on the document attached hereto as Exhibit 1 entitled "Agreement For Purchase And Sale Of Real Property" (hereinafter referred to as "Agreement") which is signed by Lloyd C. Smith, Jr., Member-Manager of Pritchett & Burch, PLLC as agent for an undisclosed Principal and Brown Brothers Enterprises, LLC, which is signed by its Managing Partner;

G. Pritchett & Burch, PLLC executed said Agreement upon the expressed condition that they were attorneys and agents for an undisclosed Principal and would have the absolute right to assign the terms of the Agreement to its Principal, which will become responsible for all the terms thereof;

NOW, THEREFORE, Pritchett & Burch, PLLC as Assignor and Bertie County as Assignee covenant, contract, and agree as follows:

1. The Agreement attached hereto as Exhibit 1 and all of its terms and conditions are hereby assigned to Bertie County, the Assignee by Pritchett & Burch, PLLC as the Assignor without recourse.

2. All the terms and conditions of said Agreement are incorporated in this Assignment.

3. Henceforth, Pritchett & Burch, PLLC will have no further rights or liabilities arising from or out of this transaction or from and out of the terms of the aforesaid Agreement.

4. Bertie County agrees to hold said attorneys harmless from any liability arising from said law firm acting as the agent for its undisclosed Principal which is now known to be Bertie County.

5. Bertie County will have all of the rights, obligations, and liabilities set forth in the Agreement which is incorporated herein.

6. Henceforth, Bertie County shall be the party to which the Tract will ultimately be titled and which will pay the purchase price as set forth in the Agreement.

In testimony whereof, the Parties hereto have executed this Agreement in two original counterparts with the said Agreement being signed by the Managing-Member of Pritchett & Burch, PLLC as Assignor and the Chairman of the Bertie County Commissioners and the Clerk to the Board signing the same as agents of Bertie County.

ATTEST:

Sarah Tinkham
Sarah Tinkham
Clerk to the Board of
Commissioners

Sarah T. Samer
SARAH T. SAMER
COUNTY MANAGER

BERTIE COUNTY

By: Ronald W. Wesson (SEAL)
Ronald W. Wesson, Chairman of
the Board of Commissioners of
Bertie County

ATTEST:

By: Judith W. Brown
Judy W. Brown

Pritchett & Burch, PLLC

By: Lloyd C. Smith (SEAL)
for Lloyd C. Smith, Member-Manager

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act and this is the required pre-audit certification.

This the 16th day of November, 2015.

By: William Roberson
William Roberson, Finance Officer

LCS 15County/Tall Drink of Water 15-MS-377/Assignment and Assumption Agreement/lbt

Chairman Wesson called on Finance Officer William Roberson to present a budget amendment detailing the transaction with the appropriate fund transfer and appropriation from fund balance reserves as detailed below:

BUDGET AMENDMENT

16-06

10-0050-4839-27	\$	INCREASE 855,000	10-0090-4991-99	\$	DECREASE 855,000
60-7110-5980-10	\$	INCREASE 855,000	60-0090-4991-99	\$	INCREASE 855,000

TO TRANSFER REMAINING STARTUP LOAN FROM WD II

10-4920-5570-00	\$	INCREASE 1,250,000	10-0090-4991-99	\$	INCREASE 1,250,000
-----------------	----	-----------------------	-----------------	----	-----------------------

TO SETUP BUDGET FOR ECON. DEV. CAPITAL OUTLAY - LAND PURCHASE

APPROVED 11/16/2015

Commissioner Trent made a **MOTION** to approve the Finance Officer's recommendation. Commissioner White **SECONDED** the motion. The **MOTION PASSED** unanimously.

BOARD APPOINTMENTS

CADA Board

Commissioner White made a **MOTION** to reappoint Morris Rascoe to the CADA Board. Commissioner Trent **SECONDED** the motion. The **MOTION PASSED** unanimously.

CONSENT AGENDA

Commissioner Bazemore made a **MOTION** to approve the Consent Agenda collectively as presented. Commissioner Trent **SECONDED** the motion. The **MOTION PASSED** unanimously.

1. **Tax Release Journal** – October 2015
2. **Minutes** for Regular Session 11-2-15, and Work Session 11-2-15

DISCUSSION AGENDA

Update: review and consider municipal requests for litter, solid waste and other code enforcement

Attorney Huddleston stated that he believed that in order for a municipality to adopt a County ordinance the municipality would have to conduct a public hearing with notice. He said that the statutes vary on the requirements depending on the type of ordinance and that he would have to research the exact requirements for the adoption of a solid waste ordinance. If a town resident were to challenge the County's enforcement procedures, we need to insure that there have been no procedural lapses or omissions. He suggested the addition of the following language to the proposed interlocal agreement so that the responsibility of costs of enforcement of the ordinance would be clear:

“Add the following in Paragraph 5: The TOWN will pay any costs or fees associated with any enforcement action, including but not limited to filing fees, service fees, publication costs, attorney’s fees, mediation fees, court reporter fees, deposition fees or expert witness fees. Important distinctions, and issues need to be resolve. Especially,. “

Discuss job classification recommendations and work schedule

After some discussion, Commissioner Trent made a **MOTION** to engage the Mercer Group for a job classification and salary study for the cost of \$19,750. Commissioner White **SECONDED** the motion. The **MOTION PASSED** unanimously.

Review regional PSAP backup center and draft resolution from Martin County

After some discussion, Commissioner Bazemore made a **MOTION** to approve the regional PSAP backup center and draft resolution from Martin County. Commissioner Trent **SECONDED** the motion. The **MOTION PASSED** unanimously.

The Resolution reads as follows:

RESOLUTION SUPPORTING THE APPLICATION FOR A GRANT FROM NORTH CAROLINA 911 BOARD

WHEREAS, Beaufort County, Bertie County and Martin County currently operate Public Safety Answering Points or PSAP's providing service and answering 911 calls in their respective jurisdictions; and

WHEREAS, the current PSAP's providing service and answering 911 calls for Beaufort County, Bertie County and Martin County are handled through a system financed, in part, from 911 surcharges funds provided by the North Carolina 911 Board under G.S. 62A-46(c); and

WHEREAS, the North Carolina 911 Board will soon commence its PSAP Grant Program; and

WHEREAS, Martin County plans to apply for funding through the PSAP Grant Program for the relocation of its primary PSAP; and

WHEREAS, through NC General Statutes 62A-46(e)(4a), the State of North Carolina requires a PSAP to have a plan and means for 911 call-taking in the event 911 calls cannot be received and processed in the primary PSAP; and

WHEREAS, through the PSAP Grant Program application referenced above, Beaufort County, Bertie County and Martin plan to jointly apply for grant funding to provide back-up PSAP service for the PSAP's and citizens of all three counties on a regional basis; and

WHEREAS, the Beaufort County Board of Commissioners, Bertie County Board of Commissioners and the Martin County Board of Commissioners support the regional effort to cooperatively provide for the back-up PSAP needs of Beaufort, Bertie and Martin Counties in a cost effective way; and

WHEREAS, by this Resolution, the Beaufort County Board of Commissioners, Bertie County Board of Commissioners and the Martin County Board of Commissioners intend to authorize and to support an application for grant funding under the PSAP Grant Program adopted by the North Carolina 911 Board.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Beaufort County, Bertie County and Martin County, each being a government body located in North Carolina, that individually and jointly each of the governmental bodies expresses its support for the relocation of the Martin County PSAP; and

FURTHERMORE, BE IT RESOLVED by the Board of Commissioners of Beaufort County, Bertie County and Martin County, each being a government body located in North Carolina, that individually and jointly each of the governmental bodies:

- Expresses its support for the provision of a single back-up PSAP facilities for the PSAP's and citizens of all three counties on a regional basis through utilizing the existing Martin County Primary PSAP and relocated Martin County Primary PSAP proposed; and

- Agrees to facilitate and finance, or partially finance, the operation and maintenance costs for the provision of back-up PSAP facilities for the PSAP's and citizens of all three counties on a regional basis through the existing Martin County PSAP and relocated Martin County PSAP proposed; and
- Authorizes and supports the application for a grant under the PSAP Grant Program from the North Carolina 911 Board when the applications for funding become available; and
- Agrees that in order to facilitate the application and granting process, the application shall be submitted and any grant funds received shall be administered with Martin County acting as the lead agency for such purposes.

COMMISSIONER REPORTS

Commissioner Trent updated all of those present on the latest work done by the NC Wildlife Resources Commission's construction on the new fishing pier and boat launch on the Roanoke River located on Weeping Mary Road, and reported that it should be completed by the end of November. He also announced that all Courthouse and Jail renovations are progressing as scheduled.

Commissioner Bazemore announced that she had attended the recent NC Soil and Water Conservation Regional meeting and learned a lot of new information. Commissioner Bazemore recommended that the Board review its policy and protocols to improve its responses to public comments from citizens, and to hold a work session if necessary.

Also, Commissioner Bazemore reported that the dentist from Raleigh is prepared to make a commitment to come to Bertie County and he is looking for office space that would be appropriate for dental services. Commissioner Trent suggested the current Sheriff's office located on Dundee Street which will soon be vacated as a possibility. County Manager Sauer reminded the Board that the other possible use for that space is the NC DMV license office that may be opened in Windsor at some point in the future that had been mentioned by Vice Chairman Lee.

Commissioner White expressed his gratitude to Steve Biggs for his efforts in assisting the Board with securing public access to the waters of the Albemarle Sound, and reminded the audience of the 52nd annual herring supper at the Perrytown Fire Department next Friday, November 27th. He also reported new information regarding project costs for the new water treatment plant in Martin County which was dedicated last week. Lastly, he expressed congratulations to the congregation of Peter's Chapel Church on its 150th anniversary.

Chairman Wesson expressed his support and gratitude to the staff of the Water Department and its efforts to support Bertie County Residents. He also explained the extensive efforts being made to improve service in Roxobel and other areas of the County.

PUBLIC COMMENTS

There were no public comments during this section but Commissioner Bazemore gave the following closing remarks to the audience stating "we [the Board] want[s] to hear from you and to have your input on the projects we are undertaking," and encouraged the public present to be vocal if needs or concerns arise.

ADJOURN

Chairman Wesson adjourned the meeting at 8:40PM.

Ronald D. Wesson, Chairman

Sarah S. Tinkham, Clerk to the Board