

**Windsor, North Carolina**  
**June 1, 2015**  
**Regular Meeting**

The Bertie County Board of Commissioners met for their regularly scheduled meeting at 4:00pm inside the Commissioners Room located at 106 Dundee Street, Windsor, NC. The following members were present or absent:

Present: Ronald "Ron" Wesson, District I  
Stewart White, 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 S. Tinkham  
County Attorney Lloyd Smith  
Department of Social Services Director Linda Speller  
Economic Development Director Steve Biggs  
Emergency Services Director Mitch Cooper  
Finance Officer William Roberson  
Human Resources Director Carolyn Fornes  
Water Superintendent Ricky Spivey  
Maintenance Superintendent Anthony Rascoe  
Utility Customer Service Manager Connie Coburn  
Board of Elections Director Sheila Holloman  
Register of Deeds Annie Wilson  
Sheriff John Holley  
Council on Aging Director Venita Thompson  
Information Systems Administrator Scott Pearce  
Network Systems Administrator Joe Wilkes  
EMS Division Chief Matt Leicester  
Compliance Officer Crystal Freeman  
Cooperative Extension Director Richard Rhodes

Gene Motley and Cameron Jernigan of the Roanoke-Chowan News Herald were present from the media.

**CALL TO ORDER**

Chairman Wesson welcomed all of those present and thanked them for their attendance.

## **INVOCATION/PLEDGE OF ALLEGIANCE**

Commissioner White led the Invocation and Pledge of Allegiance.

## **PUBLIC COMMENTS**

There were no public comments at this time.

## **APPOINTMENTS**

### **NC Forest Service Report by NCFS Bertie County Ranger, Mike Hoggard**

Mike Hoggard of the NC Forest Service came forward to present a PowerPoint slideshow regarding the latest outbreak of forest tent caterpillars in the County.

Mr. Hoggard stated that these particular outbreaks occur every 5-20 years and usually do not require preventative treatment. Most outbreaks are controlled by natural factors including seasonal and ecosystem changes.

He stated that these caterpillars should not be confused with other tent caterpillars because they do not form silky webbed clusters in trees, and instead, they leave silky spots on the trunks of trees.

Additionally, Mr. Hoggard showed various aerial photos of the various clusters of woodlands where these caterpillars have left evidence of tree defoliation. He assured that the trees have simply been defoliated for the season, and that the caterpillars do not typically kill trees unless there's already a present vulnerability.

This item was strictly informational and no action was needed.

## **Republic Services County convenience site transition update by Josephine Aiken**

Josephine Aiken of Republic Services was present to discuss the latest updates regarding the transitional process taking place for the County's convenience sites.

She stated that the transition is going well and that Republic Services has ordered all needed equipment and purchased all existing convenience site properties from Waste Industries, as well as completing the hiring process for all existing site attendants.

Ms. Aiken stated that Republic Services is excited about this opportunity and that it is doing all that it can to secure the existing site attendants as employees.

She announced that on Tuesday, June 2, 2015, Republic Services would be hosting an event to assist the existing site attendants with their online application process at the Chamber of Commerce in Windsor.

The Board thanked Ms. Aiken for the update, and requested reassurance that all existing site attendants be given various opportunities to apply for the new positions with Republic Services

Ms. Aiken stated that all site attendants have been contacted via phone, as well as been visited at each site to receive "how to apply" materials so that everyone is aware and familiar with the application process.

The Board thanked Ms. Aiken for her update and for her efforts in securing as many Bertie residents as possible in these new positions.

## **BOARD APPOINTMENTS**

### **Eastern Carolina Behavioral Health (ECBH) – Northern Regional Advisory Board**

Chairman Wesson stated that he was in favor of appointing Emmie Lou Taylor as the citizen appointment to ECBH's Northern Regional Advisory Board for a term of 6 years (per the Northern Regional Advisory Board's by laws).

Vice Chairman Lee made a **MOTION** to appoint Emmie Lou Taylor to ECBH's Northern Regional Advisory Board for a 6 year term. Commissioner Trent **SECONDED** the motion. The **MOTION PASSED** unanimously.

### **ABC Board**

Commissioner Bazemore made a **MOTION** to re-appoint William “Michael” Freeman to the ABC Board. Commissioner Trent **SECONDED** the motion. The **MOTION PASSED** unanimously.

### **Economic Development Commission**

Commissioner Trent made a **MOTION** to re-appoint Mary Davis and Morris Rascoe to the Economic Development Commission. Commissioner White **SECONDED** the motion. The **MOTION PASSED** unanimously.

The Board was also notified by the Clerk to the Board that other individuals are seeking reappointment and are working to submit their applications as soon as possible.

### **JCPC Board**

Commissioner Bazemore made a **MOTION** to re-appoint Laree Cherry, Morris Rascoe, Anne Mitchell, and James Heckstall to the JCPC Board. Commissioner White **SECONDED** the motion. The **MOTION PASSED** unanimously.

The Board was also notified by the Clerk to the Board that other individuals are seeking reappointment and are working to submit their applications as soon as possible.

### **CONSENT AGENDA**

#### **Approve regular minutes for 5-18-15**

County Manager Sauer recommended this item for approval.

Commissioner Trent made a **MOTION** to approve the regular session minutes for 5-18-15. Vice Chairman Lee **SECONDED** the motion. The **MOTION PASSED** unanimously.

**Accept Tax Department Error Ledger – April 2015**

County Manager Sauer recommended this item for approval.

Commissioner Bazemore made a **MOTION** to accept the Tax Department Error Ledger from April 2015. Commissioner Trent **SECONDED** the motion. The **MOTION PASSED** unanimously.

**Accept Register of Deeds Fees Report – May 2015**

County Manager Sauer recommended this item for approval.

Commissioner Bazemore made a **MOTION** to accept the Register of Deeds Fees Report for May 2015. Vice Chairman Lee **SECONDED** the motion. The **MOTION PASSED** unanimously.

**Consider and approve 2014-2015 audit services contract presented by CRI, LLC. in the amount of \$35,883.75**

Commissioner White made a **MOTION** to approve the 2014-2015 audit services contract as presented by CRI, LLC. in the amount of \$35,883.75. Vice Chairman Lee **SECONDED** the motion. The **MOTION PASSED** unanimously.

**Approval of Budget Amendment #15-06**

Finance Officer, William Roberson, was present to introduce this item as it was not listed on the Board's agenda.

Mr. Roberson stated that he had been in contact with both the DSS and the Council on Aging Directors regarding the transfer of funds in the amount of \$5,926. The sum would be transferred from the ROAP Transportation line item under the Council on Aging Department, and would be transferred to the Department of Social Services

Commissioner Trent made a **MOTION** to approve the funds transfer from the ROAP Transportation line item under the Council on Aging Department to the Department of Social Services in the amount of \$5,926 as requested by the Finance Officer. Commissioner White **SECONDED** the motion. The **MOTION PASSED** unanimously.

Budget Amendment #15-06 reads as follows:

BUDGET AMENDMENT					
		# 15-06			
	INCREASE			DECREASE	
12-5380-5399-95	\$	5,926	EDTAP	10-5860-5399-95	\$ 5,926
TO MOVE ROAP TRANSPORTATION MONEY FROM COA TO DSS					
APPROVED __ / __ /2015					

## DISCUSSION AGENDA

### **Business Personal Property Tax update regarding taxpayer appeals and a review of the applicable General Statutes by County Attorney, Lloyd Smith**

County Attorney Smith updated the Board on his latest findings regarding business personal property taxes and the pending appeal process.

County Attorney Smith directed the Board to various NC General Statutes including N.C.G.S. 105-312(k) Power to Compromise states that, “after a tax receipt [is] computed and prepared as required...the board of county commissioners, upon the petition of the taxpayer, may compromise, settle, or adjust the county’s claim for taxes arising therefrom.”

*NCGS 105-308 states “any person whose duty it is to list any property who willfully fails or refuses to list the same within the time prescribed by law shall be guilty of a Class 2 misdemeanor. The failure to list is shall be prima facie evidence that the failure was willful.”*

*NCGS 105-312 (f) states “When property is discovered and listed to a taxpayer in any year, it shall be presumed that it should have been listed by the same taxpayer for the preceding five years unless the taxpayer shall produce satisfactory evidence that the property was not in existence, that it was actually listed for taxation, or that is was not his duty to list the property during those years....”*

*NCGS 105-348 states “All persons who have or who may acquire any interest in any real or personal property that may be or may become subject to a lien for taxes are hereby charged with notice that such property is or should be listed for taxation.....” The statute continues by clarifying that “this notice shall be conclusively presumed, whether or not such persons have actual notice.”*

*In other words, ignorance of the law is not an allowable defense.*

Mr. Smith stated that the Board did have the power to compromise on various debts owed by citizens to the County, but that there are currently no guidelines set forth in the State statutes on how and when to compromise the tax or penalty.

County Attorney Smith shared his review of leading NC property tax scholar William Campbell’s article entitled, “Compromised Taxes on Discovered Property, An Unconstitutional Statute?”, and it was Mr. Smith’s conclusion that to proceed with compromising on these taxes

would be unconstitutional and deprive diligent taxpayers who had listed property properly of their due process protection under the Constitution.

County Attorney Smith then presented his concerns from a legal standpoint regarding such practice and cautioned that under the law, it is a crime to not list taxes, and that it would present a disadvantage to those citizens who paid their outstanding taxes without complaint.

Lastly, County Attorney Smith stated that the Board could move forward if they desired, but that he strongly urged the County to draft strict rules regarding their power to compromise.

Chairman Wesson thanked Mr. Smith for his evaluation and stated that he did not believe it would be the wisest decision to pursue this matter further as Commissioners might be held individually liable in a court of law.

The Board concurred.

**Consider joint meeting with Board of Education to review S&ME consultant report and discuss budget the next fiscal year**

Chairman Wesson stated that the consultant report had been received from S&ME and that the Board should consider a joint meeting with the Board of Education to discuss the report, as well as other budget matters for next fiscal year.

One of the possible dates to be considered is June 15<sup>th</sup> beginning at 1:00PM just before the Board's regularly scheduled meeting Public Hearing on the proposed budget.

**COMMISSIONERS' REPORTS**

Commissioner Trent reported that a bucket truck had been secured by the Maintenance Department.

Commissioner Bazemore asked that the Board revisit the topic of Closed Session minutes and their placement on the County website. She also spoke about the response to the newly instated NACo Prescription, Health, and Dental Discount program, as well as her time with Vice Chairman Lee in Pitt County recently to hear Governor Pat McCrory speak about the \$30.0 billion bond financing package.

Discussion ensued, and all Commissioners agreed that transparency was important, and that no one was against Closed Session minutes being viewed by the public upon request.



Vice Chairman Lee reminded the Board that she had made the motion at the Board's meeting on Monday, May 18, 2015 to have Closed Session minutes online, and stated that she stood by her motion.

County Attorney Smith stated that the Board has the authority to decide how and where their minutes are accessed, and that all minutes are evaluated by the Clerk to the Board, County Manager, and the County Attorney's office.

Mr. Smith stated that Closed Session minutes could not be released unless the purpose of the Closed Session has been fully frustrated with the exception of some items including Personnel items which could not ever be made public.

After further discussion, Commissioner Bazemore made a **MOTION** to overturn the motion made by Vice Chairman Lee on Monday, May 18, 2015, but to continue to allow citizens to visit the County Offices to request Closed Session minutes that have been fully frustrated. Commissioner Trent **SECOND** the motion. The **MOTION PASSED** 4-1 with all Commissioners voting affirmatively except Vice Chairman Lee.

Commissioner White thanked Commissioner Bazemore for bringing forth the idea for the County to participate in the NACo Prescription, Health, and Dental Discount program as he had heard positive things from citizens in his area.

He also reported on a recent vote that was taken on House Bill 640, also known as The Outdoor Heritage Act (allowing Sunday hunting) which passed with a 33-13 vote. Senator Smith-Ingram has requested that all of the counties within her district to consider submitting an appeal of this latest measure. Mr. White stated that he hoped the Board would consider this matter more carefully. He requested that this item be reviewed at their next meeting, and also suggested a public hearing to receive citizen feedback.

Vice Chairman Lee congratulated the Council on Aging staff for hosting the recent Senior Fest at the Cashie Convention Center.

Chairman Wesson discussed his efforts in educating the public about Governor McCrory's attempts at passing the latest bond referendum as mentioned by Commissioner Bazemore. He encouraged the Commissioners as well as members of the public to visit the document online and provide him with feedback that can then be forwarded to the Governor's office as the proposal does feature some positive improvements to Eastern North Carolina.

Additionally, Mr. Wesson informed all of those present that he had recently learned that Bertie County is currently operating under three different grants regarding early childhood development as it relates to literacy, parental involvement, and parental literacy.

He stated that only 40% of children who begin school in Bertie County have had any type of prior formal education including pre-school, Head Start, and others. He also mentioned that after having various discussions with local teachers that this hinders student achievement, and therefore produces lower test scores in the County later into elementary schooling.

He reported that the school system is seeking additional assistance from the County on how to identify children more effectively so that they are given the chance to participate in early learning opportunities.

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

County Manager Sauer approached the Board to give his FY 2015-2016 proposed budget plan.

Copies of this budget were submitted to the Board as well as to the public present.

Additional copies can be obtained through the County's website at <http://co.bertie.nc.us>, or at the office of the Clerk to the Board located at 106 Dundee Street, Windsor, NC 27983.

County Manager Sauer requested that the following message be placed into the record:

*Chairman Wesson, Vice Chairman Lee, Commissioner Bazemore, Commissioner Trent and Commissioner White:*

*It is my obligation to present the proposed FY 2015-2016 budget plan for your consideration in an attempt to meet your goals, the needs of our citizens, and using the County's resources in a prudent manner.*

*This proposed budget is balanced without raising property taxes, and includes a conservative and measured use of available fund balance reserves.*

*Your County agencies and department heads have contributed significantly toward development of this fiscal plan, and I am especially grateful and indebted to the fiscal acumen of our Finance Officer William Roberson.*

*With every budget cycle certain requests are not recommended for funding, and to have proposed financial support for all of this year's budget requests would require a tax increase of sixteen (16) cents.*

*Every citizen should respect the difficult decisions that lay before the governing body, and I hope they will also respect the dedicated employees at every level in the organization who are committed to providing the best service possible.*

*As I further describe the items outlined in the following presentation, I hope that you will keep in mind that we are truly blessed and fortunate that the Board of Commissioners nearly a quarter century ago, took the bold step to consider hosting a regional landfill in Bertie County. Host fee revenues of \$1.6 million will keep thirteen (13) cents off of our tax rate for next fiscal year.*

*This Board also has the opportunity to continue this legacy as you consider additional efforts to:*

- *Extend the highest level of pre-hospital paramedic service on a 24/7 basis, giving our citizens a lifesaving and fighting chance with emergency care when our expansive geography is working against them in terms of proximity to a hospital.*
- *Address critical infrastructure and deferred facility maintenance concerns such as the courthouse and regional jail.*
- *Focus on economic development strategies and build on the recent selection of a marketing firm to promote Bertie County's four business clusters.*
- *Strengthen the County's regional water system with infrastructure improvements, consolidation of municipal systems and seeking financing for technology and system management enhancements.*
- *Build on the successful partnership with the Board of Education and both community colleges for workforce training (EMS Cadet program for example) and the Community-based recreation with the YMCA and our Recreation staff. Continue the dialogue regarding strategies to identify and serve the youth who are most at risk in our community.*
- *Invest in "Human Capital" and recognize the value of County staff, by taking steps to provide a working wage, retain talented department managers and plan for the succession and next generation of employees. And continue this work by engaging a compensation and classification study for all county staff in the next fiscal year.*
- *Continued support for the non-profit agencies in our community who reach the underserved populations or play a unique role in defining Bertie County as a special place to visit, invest, live, work and raise a family.*

Lastly, County Manager Sauer proposed that the Board host its required public hearing for the budget as a part of its regular meeting on Monday, June 15, 2015.

Commissioner Trent made a **MOTION** to host the required public hearing for the proposed FY 2015-2016 budget during its regular meeting on Monday, June 15, 2015. Commissioner White **SECONDED** the motion. The **MOTION PASSED** unanimously.

The public hearing will also be advertised in both the Roanoke-Chowan News Herald and the Bertie-Ledger Advance.

## COUNTY ATTORNEY'S REPORTS

County Attorney Lloyd Smith requested a 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.

## CLOSED SESSION

As requested by the County Attorney, Commissioner Bazemore made a **MOTION** to go into 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 Trent **SECONDED** the motion. The **MOTION PASSED** unanimously.

The Board shifts into Closed Session.

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

The Board shifted back in to Open Session.

## PUBLIC COMMENTS CONTINUED

There were no public comments.

**RECESS**

Chairman Wesson recessed the meeting until \_\_\_\_ on Monday, June 8, 2015 so that the Board may hold a joint meeting with the Board of Education at the School Board's Administrative Offices located at the old Bertie High School.

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Ronald D. Wesson, Chairman

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Sarah S. Tinkham, Clerk to the Board