

**Windsor, North Carolina
December 5, 2016
Regular Meeting**

The Bertie County Board of Commissioners met for their regularly scheduled meeting 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
County Attorney Lloyd Smith
Finance Officer William Roberson
Planning Director Traci White
Chief Codes Enforcement Officer G.T. Pittman
Tax Administrator Jodie Rhea
Emergency Services Director Mitch Cooper
Network Administrator Joe Wilkes
EMS Division Chief Crystal Freeman

Gene Motley of the Roanoke-Chowan News Herald and Leslie Beachboard of the Bertie-Ledger Advance were present from the media.

**ADMINISTRATION OF OATHS OF OFFICE BY VASTI F. JAMES,
CLERK OF SUPERIOR COURT**

Clerk of Superior Court, Vasti F. James, administered the Oaths of Office for John Trent and Ronald Wesson.

WELCOME AND CALL TO ORDER BY CHAIRMAN TRENT

Chairman Trent welcomed all and called the meeting to order.

**OPENING INVOCATION AND PLEDGE OF ALLEGIANCE BY
COMMISSIONER WHITE**

Pastor Gary Cordon led the Invocation. Commissioner White led the Pledge of Allegiance.

ELECTION OF CHAIRMAN PRESIDED OVER BY COUNTY MANAGER SAUER

The County Manager reviewed NC General Statute NCGS § 153A-39 and reminded the audience that NC law requires the Board of Commissioners to restructure each December and elect its officers for the upcoming twelve-month period.

After some discussion, Commissioner Lee made a **MOTION** to re-nominate both the current Chair and Vice Chair as the 2017 leaders of the Board.

Before the vote was completed per Parliamentary Procedure, Commissioner Wesson “called for a point of order,” to object to the motion, as well as to remind the Board of its earlier motion made on Monday, December 7, 2015.

Commissioner Wesson objected, by clarifying that a vote was made at the first December meeting in 2015 where the Board voted “to rotate the positions of Chairman and Vice Chairman.” He stated that he remembered this vote as he sought a second term himself, but the Board decided that “it would be fair to give every member of this Board an opportunity to Chair,” and that “we [the Board] voted unanimously for that [a rotation system].”

Commissioner Wesson continued by stating that this is “the rule we find ourselves operating under today, so under that rule, that objection should stand.”

Commissioner Lee replied by stating that “there was no formal vote.”

Commissioner Wesson requested another point of order, “in fact, Commissioner Lee, you insisted that there be a vote, and the record will show that there is a vote, and it was unanimous. We don’t have to guess about this. It’s on the record. There was a vote, and the reason there was a vote is because you were one of the ones who wanted a vote. Am I correct?”

Vice Chairman Bazemore stated that she recalled the vote in question, and that she also remembered Commissioner Wesson seeking reappointment as Chair for a second term in December 2015.

County Manager Sauer asked for feedback from the County Attorney, Lloyd Smith.

County Attorney Smith stated that “it would be appropriate” for County staff to pull the minutes and audio recording from the meeting in question.

Commissioner Wesson suggested polling of the Board.

The Board concurred to take a brief recess for County staff to gather the minutes and recording from the Board’s meeting on December 7, 2015.

Upon the recess, there is still a motion on the floor.

After approximately 15 minutes, County Manager Sauer asked that County Attorney Smith clarify the “mechanics of the official record in the minute books versus the audio tapes,” and “which reflects the official record.”

County Attorney Smith stated that the approved minutes are the official record as they are presumably read and approved by the Board unless something was omitted from the official record.

At this time, the Board reviewed the audio recording.

The live audio tape from the December 7, 2015 meeting, and the official minutes of the Board, demonstrated that there was no discussion or action taken regarding the annual rotation of Board officers, as recalled by Commissioner Wesson.

Regarding the recording, Commissioner Wesson stated that “that doesn’t even show any of the discussion that we all know that we had about rotating.”

Commissioner Lee stated that she believed “that discussion was outside, amongst 1 or 2 [Commissioners] at a time. I do not recall us having that conversation in an open meeting.”

Vice Chairman Bazemore interjected by stating that she did not believe it was “fair for citizens to come here and hear a bunch of rhetoric,” and that “we need to be open and honest.”

Vice Chairman Bazemore continued, “We did say we would rotate, because truly, Ron wanted to do a second year, we all know that, but we agreed to rotate. Had that not happened, and he had served his two, I would agree to everyone else serving two, but it did not, so I think that [if] it was a verbal contract that we all agreed to rotate, let’s rotate. After everyone has served, then we should come back together again to decide what is best for this Board.”

Commissioner Lee responded by stating that “talking [last year] amongst ourselves, one on one, we did say that we thought it would be fair to rotate. When I was approached this year about the Chairmanship, I explained that I thought Chairman Trent’s knowledge of the storm situation, and the school situation, which we are still heavily involved in, that I thought for the good of the County, he should remain as Chairman, and Bazemore as Vice. For the good of the County for this year because we are still so heavily involved in all of the storm stuff...”

Commissioner Wesson interjected for confirmation [to Commissioner Lee’s statement], “didn’t you just say earlier that you had no recollection of that discussion?”

She responded, “not in open meeting.”

Commissioner Lee clarified by stating that “she had no recollection of a vote or this discussion in open meeting.”

Commissioner Lee also reminded the Board about the motion still currently on the floor that was made during the beginning of this discussion.

Vice Chairman Bazemore stated that the motion “was dead.”

Vice Chairman Bazemore continued and stated that every member of the Board has a responsibility to move this County forward, and if Commissioner Trent felt that he would like to continue working with FEMA, then he can still do that as a Commissioner without being the Chairman.

Each Commissioner is able to participate in any County matter whether or not they hold a leadership position.

She finished, “There is no higher or lower person on this Board. We were all elected, and I just want us to be fair.”

County Manager Sauer clarified that a motion is on the floor, a point of order was made, requesting clarification, a review of the minutes had been completed as requested by Commissioner Wesson, and the audio recording was played for all of those present confirming that Commissioner Wesson’s assertion regarding prior action by the Board was incorrect.

At this time, County Manager Sauer called for a second to the motion currently on the floor electing Trent as Chair and Commissioner Bazemore as Vice Chair.

Commissioner White **SECONDED** the motion to elect Commissioner Trent as Chair and Commissioner Bazemore as Vice Chair.

County Manager Sauer called for additional nominations.

Commissioner Wesson made a **MOTION** to nominate Commissioner Bazemore as Chair. Commissioner Bazemore **SECONDED** the motion.

County Manager Sauer stated that he would call for a vote on each motion in the order they were presented during this meeting.

On the matter of electing Commissioner Trent as Chair, and Commissioner Bazemore as Vice Chair for another term, the Board voted 3-2 with Commissioners Trent, Lee, and White voting affirmatively. Commissioners Wesson and Bazemore voted against the motion.

Per Parliamentary Procedure, the additional motion on the floor to nominate Commissioner Bazemore as Chair is now void.

Commissioner Wesson stated that, “we are deceiving the public. This Board is deceiving the public if we sit here and say that we do not have any recollection of that discussion because we all do. We all know that we did discuss this, and agreed that we would rotate. And to sit here and say that you have no recollection of that discussion, and I know that there were comments passed back and in writing between Commissioners even about that. About their recollection, and now we sit here and say ‘oh, I have amnesia.’ *Pause.* Wow. That’s unbelievable, and it

betrays the trust, as far as I'm concerned, in this Board. There's no reason to do this. There's no reason to do this, but so be it."

County Manager Sauer returned control of the meeting over to the elected Chairman, John Trent.

The Board continued with its regularly scheduled meeting agenda.

PUBLIC COMMENTS

Dr. Jimmy T. Tate, new President of Roanoke-Chowan Community College (RCCC), was present to report that enrollment is on the rise currently at the college. Business industry tours are taking place every Thursday where RCCC is networking with local business owners.

Classes are offered during days, nights, and weekends.

He also announced a new ministry program that is being introduced to the curriculum which is one of the first of such programs at a community college in North Carolina.

A new Dean of Continuing Education, Anthony Thomas, has also been hired to the staff to assist in workforce development and educational needs.

Dr. Tate also discussed current and upcoming arts and humanities events, and more will be announced during RCCC's 50th anniversary.

The Bertie CADET program was also re-accredited by the Southern Association of Colleges and Schools.

The Board thanked Dr. Tate for the report, and asked a few follow up questions.

At this time, Pastor Gary Cordon thanked the Board for all it continues to do for the citizens of Bertie County.

Charita Jones-Jackson of Bertie County DSS, came forward to present concerns about the new shared leave policy and how that could affect the compensatory time DSS staff earned during the recent storms.

Chairman Trent deferred to County Manager Sauer to clarify.

Ms. Jackson also inquired about the compensatory, sick, and annual leave time policy at the County level. She asked the reasoning behind using all compensatory time first before using sick and annual leave time.

She stated that she has never been shown this policy in a written form.

Finance Officer, William Roberson, addressed that issue by stating that “it has been an unwritten rule that if you have comp time to try and use it as soon as possible.”

She also reiterated her concern about timesheets being changed to use that compensatory time and no notification is made to the employee about the change before paychecks are dispersed.

There was some additional discussion among the Board, Finance Officer, and County Manager Sauer about this matter.

It was the consensus of the Board that County management should prepare revised language in the County’s Personnel Policy to reflect the matter of when compensatory time is used over sick or annual leave time. This policy will then be reviewed by the Board.

APPOINTMENTS

Presentation of Trillium Health Resources Annual Report by Northern Regional Director, Bland Baker

Trillium Health Resources Northern Regional Director, Mr. Bland Baker, presented Trillium’s 2016 Annual Report.

Mr. Baker noted that Vice Chairman Bazemore currently serves on the Trillium Health Resources Board.

The report highlighted the annual gaps and needs process where data involving demographics, national prevalence, complaints, and geo-mapping are all reviewed to draft action plans that are later approved by the Board.

Trillium also continuously strives for inclusion especially for those with developmental disabilities.

Mr. Baker also discussed elements of Trillium’s reinvestment plan including Child First/Child-Parent Psychotherapy, DirectCourse Workforce Development, Compassion Reaction/Rachel’s Challenge, Wellness Recovery Action Planning, and Mental Health First Aid Training.

Additionally, Mr. Baker mentioned ways for counties to get involved which includes Crisis Invention Training which is available for free, as well as jail diversion activities, community collaboratives, and contacting citizens directly to see what services they believe are needed in the area.

Commissioner Wesson mentioned that the County is very interested in having more psychiatric beds available for Bertie citizens.

Mr. Baker reminded the Board to encourage Sheriff's Office staff to contact Trillium Health Resources mobile crisis unit in the event someone is in need of mental health services upon arriving at an emergency call.

**Presentation of School System fiscal plan and corrective action by Tarsha Dudley,
Chairman of the Bertie County Board of Education**

This item was deferred by request of the Superintendent.

BOARD APPOINTMENTS

Mid-East Commission

Commissioner Wesson made a **MOTION** to reappoint Lewis Hoggard, III. to the Mid-East Commission. Commissioner Lee **SECONDED** the motion. The **MOTION PASSED** unanimously.

CONSENT AGENDA

Upon review by Chairman Trent, Commissioner Wesson made a **MOTION** to approve the Consent Agenda items below. Commissioner Lee **SECONDED** the motion. The **MOTION PASSED** unanimously.

The Consent Agenda was approved as follows:

1. **Minutes** – Regular Session 11-7-16, Closed Session 11-7-16, Emergency Session 11-21-16, Work Sessions 11-7-16 and 11-21-16
2. **Bonds** – Bertie County officials (Register of Deeds, Finance Officer, Sheriff, Tax Administrator)
3. **Fees Report** – November 2016
4. **Release Journal** – October 2016
5. **Budget Amendment** - #17-05

DISCUSSION AGENDA

Resident Correspondence letter – substantially damaged homes and their compliance with the Flood Damage Prevention Ordinance, and National Flood Insurance program requirements for elevating structures – G.T. Pittman, Chief Codes Enforcement Officer

This item was presented as an FYI item, and no action was needed.

Review of Tax Appeals:

a) Southern Band Tuscarora Indian Tribe by Marilyn Mejorado

Tax Administrator, Jodie Rhea, presented his final recommendation for tax appeal by the Southern Band Tuscarora Indian Tribe. He stated that after further research into the matter that supports his original position, he recommended again that the Board deny the appeal.

Before calling for a motion, Ms. Mejorado stated her disagreement with Mr. Rhea's conclusion, and that this decision would interfere with the sovereignty of the Southern Band Tuscarora Indian Tribe.

Commissioner Wesson stated that until the Southern Band Tuscarora Indian Tribe in Bertie County meets the State standards that the County then has to impose, then the County has no choice but to deny the appeal.

Mr. Rhea mentioned that this appeal can be taken further to the NC Property Tax Commission in Raleigh, but that on the County level, things have to be done per state statute.

Commissioner Wesson made a **MOTION** in favor of Mr. Rhea's recommendation to deny the appeal submitted by Marilyn Mejorado on behalf of the Southern Band Tuscarora Indian Tribe. Commissioner Lee **SECONDED** the motion. The **MOTION PASSED** unanimously.

Ms. Mejorado stated that the Board "just violated our sovereignty as a nation."

b) Kelford Owner, LLC.

Tax Administrator, Jodie Rhea, was present to make his final recommendation for the tax appeal submitted Kelford Owner, LLC.

Mr. Rhea recommended their exemption be denied at this time.

Vice Chairman Bazemore made a **MOTION** to deny the appeal from Kelford Owner, LLC. Commissioner Wesson **SECONDED** the motion. The **MOTION PASSED** unanimously.

Discuss proposed cancelation of December 19, 2016 meeting due to Christmas holiday

County Manager Sauer stated that this is strictly optional.

Vice Chairman Bazemore stated that she wanted to be sure the Board of Commissioners made time to meet with the Board of Education.

Commissioner Wesson made a **MOTION** to cancel the December 19, 2016 meeting of the Bertie County Board of Commissioners. Commissioner White **SECONDED** the motion. The **MOTION PASSED** unanimously.

Pending Items/Updates

County Manager Sauer reminded the Board about the Raising Bertie screenings that will take place on Saturday, December 10th.

He also mentioned the Employee Appreciation Luncheon that will be held on Thursday, December 8th.

Additionally, County Manager Sauer announced that an invitation had been received from Café 45 in Colerain for the Commissioners to attend a disaster recovery Appreciation Dinner on Wednesday, December 14th.

County Manager Sauer also reminded the Board about assigning a voting delegate for the Legislative Goals Conference in Raleigh, NC.

COMMISSIONER'S REPORTS

Commissioner Wesson informed the Board of a Christmas gift drive that will take place on December 17th. The drive is specifically requesting bicycles, toys, and books with priority for local flood victims. Dorothy Wilson is a contact for the event. The event is sponsored by the faith based community. A grant in the amount of \$10,910 was also dispersed to the Baptist and Methodist Men Associations. Another \$7,500 grant was also given from Perdue Farms Foundation for the backpack program.

Vice Chairman Bazemore wanted to be sure her feelings were on record about what happened today regarding the restructure, and that she will continue to move forward and work with her fellow Board members. She reiterated the duty of the Chair to keep everyone on the Board informed.

Commissioner Lee reminded the Board of the Aulander Christmas Parade that will take place on Saturday, December 10th.

Commissioner White questioned why the Sheriff's bond was only \$25,000. The County Attorney noted that statutes prohibit the bond exceeding that \$25,000 amount. The statute cited was N.C.G.S. § 162-8.

COUNTY MANAGER'S REPORTS

The County Manager gave no remarks at this time.

COUNTY ATTORNEY'S REPORTS

The County Attorney requested a brief closed session.

PUBLIC COMMENTS

A citizen living near the new Bertie High School reported cracks in various places of her home from the vibrations of the school's construction. The County Attorney was directed to write to the architect and construction company responsible for the construction of the High School to make them aware of this complaint and to forward the documents Ms. Oultaw had presented to the Board.

Mr. James Pugh of Indian Woods stated that all 5 Commissioners should be working together to help people, and that “we should remain together in righteousness.”

CLOSED SESSION

Commissioner Lee made a **MOTION** to go into Closed Session pursuant to N.C.G.S. §143-318.11(a)(3) to go into closed session to consult with the County Attorney in order to preserve the attorney-client privilege that exists between the attorney and this public body. Vice Chairman Bazemore **SECONDED** the motion. The **MOTION PASSED** unanimously.

OPEN SESSION

Commissioner Lee made a **MOTION** to return to Open Session. Vice Chairman Bazemore **SECONDED** the motion. The **MOTION PASSED** unanimously.

ADJOURN

Chairman Trent adjourned the meeting at 6:30 PM.

John Trent, Chairman

Sarah S. Tinkham, Clerk to the Board