

Bertie County Board of Commissioners



August 1, 2016
4:00pm

	Ronald "Ron" Wesson	District 1
	Stewart White	District II
	Tammy A. Lee	District III
Chairman	John Trent	District IV
Vice Chairman	Ernestine (Byrd) Bazemore	District V

BERTIE COUNTY BOARD OF COMMISSIONERS

August 1, 2016
Meeting Agenda

This agenda is only a tentative schedule of matters the Commissioners may address at their meeting and all items found on it may be deleted, amended or deferred. The Commissioners may also, in their absolute discretion, consider matters not shown on this agenda.

- 4:00-4:05** Call to Order and Welcome by Chairman Trent
- 4:05-4:10** Invocation and Pledge of Allegiance by Commissioner Wesson
- 4:10-4:25** Public Comments (3 minute time limit per speaker)

(A)

***** APPOINTMENTS *****

- 4:25-4:35 (1)** Sheriff’s Office Update, introduction of new staff, grant award from VIDANT and other activities
- 4:35-4:45 (2)** Interim School Superintendent, Julius Walker will present the Board of Education’s request for a budget amendment and the appropriation of remaining Capital Outlay funds for the fiscal year ended June 30, 2016.
- 4:45-4:55 (3)** USDA Rural Development, Kim Miller, will review ambulance financing options per Board’s request
- 4:55-5:05 (4)** CAMA Grant Application—To receive public comment on the Albemarle Sound Public Waterfront Access and beach path improvements, including the acquisition of land (10.35 acre tract) adjoining the 137 acre tract recently acquired by the County. Ms. Emily Miller of McAdams and Associates has prepared a grant application in the amount of \$250,000 with a 10% (\$25,000) local match requirement.

5:05-5:15 (5) Proposal for Comprehensive Countywide Recreation Master Plan for Bertie County to include in NC Parks and Recreation Trust Fund 2017 grant application for site development at the Albemarle Sound Waterfront Recreation Area—Presented by Paige Viren, Associate Professor of Recreation & Leisure Studies at East Carolina University and J. David Hodges, Good Consulting Services, LLC.

Board Appointments (B)

- 1. There are no Board Appointments

Consent Agenda (C)

- 1. Approve minutes for Regular Session 7-5-16
- 2. Approve minutes for Work Session 7-14-16
- 3. Approve minutes for Closed Session 7-14-16
- 4. Register of Deeds Fees Report – July 2016
- 5. Tax Department Release Journal – June 2016
- 6. Approval of resolution for the Sandy Branch Missionary Baptist Church – 145th anniversary

*****OTHER ITEMS*****

Discussion Agenda (D)

- 1. Water District III USDA Rural Development – review and approve NC Local Government Commission application and the Bond Order Resolution and related documents prepared by Bond Counsel in consultation with the County Attorney. Consider for approval the following items:
 - a) Revised project cost and funding analysis
 - b) Supplement to the Preliminary Engineering report
 - c) Amended engineering agreement
 - d) Final capital budget for submission to the LGC
 - e) Bond Resolution
- 2. Review of pending items
- 3. Confirmation of Board meeting schedule for August and September

Commissioners’ Reports (E)

County Manager’s Reports (F)

County Attorney’s Reports (G)

Public Comments Continued
3 minute time limit per speaker

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.

Pursuant to N.C.G.S. § 143-318.11(a)(4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations. The action approves the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session.

Pursuant to N.C.G.S. § 143-318.11(a)(5) to establish, or to instruct the public body’s staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.

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.

Recess



Bertie County

Board of Commissioners

ITEM ABSTRACT

MEETING DATE: August 1, 2016

AGENDA ITEM: A-1

DEPARTMENT: Sheriff

SUBJECT: Sheriff's Office Update, introduction of new staff, grant award from VIDANT and other activities

COUNTY MANAGER RECOMMENDATION OR COMMENTS: FYI

SUMMARY OF AGENDA ITEM AND/OR NEEDED ACTION(S): FYI

ATTACHMENTS: Yes

LEGAL REVIEW PENDING: N/A

ITEM HISTORY: ---



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
ECHO COMPANY, 83rd CIVIL AFFAIRS BATTALION
BLDG H-6612 KEDENBURG STREET
FORT BRAGG, NORTH CAROLINA 28310

AFZA-AEC-EC

**Letter of Notification
Between
Bertie County Sheriff's Office
And
Echo Company, 83rd Civil Affairs Battalion**

SUBJECT: Letter of Notification (LoN)

1. This letter serves as notification that Echo Company, 83rd Civil Affairs Battalion will conduct a Mission Rehearsal Exercise (MRX) in and around Bertie County, North Carolina from 5 December 2016 - 9 December 2016.
2. Military personnel will be meeting with members of the county EMS and related offices and will potentially interact with members of the local populace.
3. Signature below acknowledges that there is no agreement to action or compensation between the understated parties, but that both parties understand there will be training conducted at the above location on the above dates.
4. The Point of Contact for this letter is MAJ Wesley Strong, E Co., 83rd CA BN at wesley.v.strong.mil@mail.mil, or 910-396-5709.

Wesley V Strong

 WESLEY V. STRONG
 Major
 Commander

22 JUL 2016

(Date)

 JOHN HOLLEY
 Sheriff
 Bertie County, NC

(Date)



Bertie County

Board of Commissioners

ITEM ABSTRACT

MEETING DATE: August 1, 2016

AGENDA ITEM: A-2

DEPARTMENT: Governing Body

SUBJECT: Interim School Superintendent, Julius Walker will present the Board of Education's request for a budget amendment and the appropriation of remaining Capital Outlay funds for the fiscal year ended June 30, 2016.

COUNTY MANAGER RECOMMENDATION OR COMMENTS: Recommend approval.

SUMMARY OF AGENDA ITEM AND/OR NEEDED ACTION(S): Recommend approval.

ATTACHMENTS: Yes

LEGAL REVIEW PENDING: N/A

ITEM HISTORY: ---

BERTIE COUNTY SCHOOLS

P.O. BOX 10
715 US HWY 13 N
WINDSOR, NORTH CAROLINA 27983
PHONE (252) 794-3173 – FAX: (252) 794-9727



Julius Walker
Interim Superintendent

BOARD MEMBERS
TARSHA B. DUDLEY, Chair
BOBBY OCCENA, Vice-Chairman
EMMA H. JOHNSON
JO DAVIS JOHNSON
BARRY MCGILONE

July 26, 2016

Mr. John Trent, Chairman
Bertie County Board of Commissioners
PO Box 530
Windsor, NC 27983

Re: Appropriation of remaining Capital Outlay funds from FY 2015–2016


Dear Chairman Trent and Commissioners,

On behalf of the Bertie County Board of Education, our Finance Officer Ms. Pearline Bunch has been coordinating with Mr. William Roberson regarding the closeout of capital projects for the fiscal year ended June 30, 2016.

The schedule for the replacing the roof at Colerain Elementary has extended beyond the end of the fiscal year, and there is a remaining balance of \$97,868.66 allocated for payment to the contractor. Therefore, the Board of Education is respectfully requesting that the County consider a budget amendment and this amount be appropriated, adding to the FY 2016–2017 Capital Outlay budget for the school system.

As your interim Superintendent of Schools, it is very impressive to see the cooperation and support of these two governing bodies. I look forward to discussing this request at your next regular Board meeting.

Sincerely,


Julius Walker
Interim Superintendent



Bertie County

Board of Commissioners

ITEM ABSTRACT

MEETING DATE: August 1, 2016

AGENDA ITEM: A-3

DEPARTMENT: Governing Body

SUBJECT: USDA Rural Development, Kim Miller, will review ambulance financing options per Board's request

COUNTY MANAGER RECOMMENDATION OR COMMENTS: FYI

SUMMARY OF AGENDA ITEM AND/OR NEEDED ACTION(S): FYI

ATTACHMENTS: Yes

LEGAL REVIEW PENDING: N/A

ITEM HISTORY:

July 14, 2016 – Board first introduced to Kim Miller of USDA Rural Development where she informed the Board of the possible loans available to the County for ambulance vehicles as well as potential funding for local fire departments

BERTIE COUTNY EMERGENCY SERVICES
OPTION 1

2016	QTY	EQ	COST	TOTAL
	4	E-450	\$ 133,000.00	\$ 532,000.00
	6	MONITORS	\$ 32,000.00	\$ 192,000.00
	4	STRETCHERS	\$ 10,000.00	\$ 40,000.00
	4	RADIOS	\$ 6,000.00	\$ 24,000.00
				\$ 788,000.00

**ANNUAL
PAYMENT** **\$ 64,820.00**

2017	QTY	EQ	COST	TOTAL
	2	E-450	\$ 133,000.00	\$ 266,000.00
	4	TRANSIT	\$ 68,080.00	\$ 272,320.00
	6	STRETCHERS	\$ 10,000.00	\$ 60,000.00
	2	RADIOS	\$ 6,000.00	\$ 12,000.00
				\$ 610,320.00

**ANNUAL
PAYMENT** **\$ 50,179.00**

OPTION 2

2016	QTY	EQ	COST	TOTAL
	4	E-450	\$ 133,000.00	\$ 532,000.00
	2	TRANSIT	\$ 68,080.00	\$ 136,160.00
	6	MONITORS	\$ 32,000.00	\$ 192,000.00
	6	STRETCHERS	\$ 10,000.00	\$ 60,000.00
	4	RADIOS	\$ 6,000.00	\$ 24,000.00
				\$ 944,160.00

**ANNUAL
PAYMENT** **\$ 77,654.00**

2017	QTY	EQ	COST	TOTAL
	2	E-450	\$ 133,000.00	\$ 266,000.00
	2	TRANSIT	\$ 68,080.00	\$ 136,160.00
	4	STRETCHERS	\$ 10,000.00	\$ 40,000.00
	2	RADIOS	\$ 6,000.00	\$ 12,000.00
				\$ 454,160.00

**ANNUAL
PAYMENT** **\$ 37,347.00**



Bertie County

Board of Commissioners

ITEM ABSTRACT

MEETING DATE: August 1, 2016

AGENDA ITEM: A-4

DEPARTMENT: Governing Body

SUBJECT:

CAMA Grant Application—to receive public comment on the Albemarle Sound Public Waterfront Access and beach path improvements, including the acquisition of land (10.35 acre tract) adjoining the 137 acre tract recently acquired by the County. Ms. Emily Miller of McAdams and Associates has prepared a grant application in the amount of \$250,000 with a 10% (\$25,000) local match requirement.

COUNTY MANAGER RECOMMENDATION OR COMMENTS: See motion below. **There remains one final component for the application which must be obtained before the application can be submitted on August 15.** In correspondence received on July 28th, the Division Planner for the NC Division of Coastal Management has confirmed that **the final application must contain a letter of intent to sell from the property owner.**

SUMMARY OF AGENDA ITEM AND/OR NEEDED ACTION(S):

The following motion is needed:

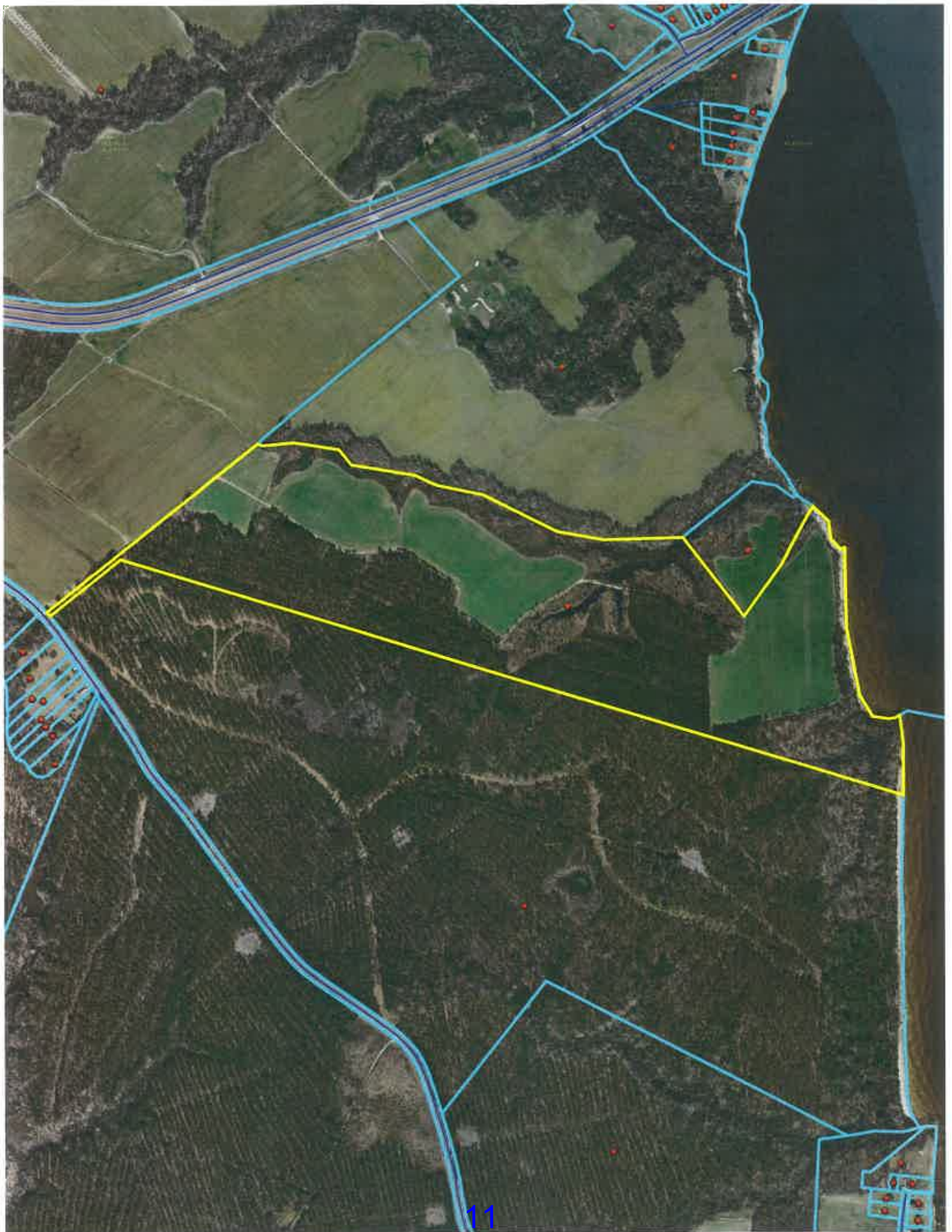
*I make a motion to approve authorization for submittal of NC Coastal Management Program subject to the availability of the Letter of Intent from the sellers—Public Beach and Public Waterfront Access Program final application in the amount of \$250,000 plus a 10% local match of \$25,000 for a total project cost of \$275,000. Furthermore, the Board of Commissioners is authorizing the purchase of 10.35 acres to expand the beach path access for the adjoining 137 acres recently acquired by Bertie County. With approval of this motion, the Chairman and County Manager are authorized to execute all related documents to complete this grant application which due August 15th, 2016, **subject to the final condition being obtained prior to submission.***

ATTACHMENTS: Yes

1. Aerial map of County owned, “tall glass of water” project
2. Photo of proposed beach access boundary path
3. Completed CAMA grant application
4. Additional area maps
5. Title Opinion prepared by Jonathan Huddleston

LEGAL REVIEW PENDING: N/A

ITEM HISTORY: ---







**PUBLIC BEACH AND
COASTAL WATERFRONT
ACCESS PROGRAM**

NC COASTAL MANAGEMENT PROGRAM

Application Deadline: August 15, 2016

FINAL APPLICATION 2016-2017 Cycle

North Carolina Public Beach and Coastal Waterfront Access Program

Please complete a separate application for each proposed project and submit two (2) printed copies and one (1) cd or USB Flash drive with digital files to your DCM District Planner.

This application is also available online at: <http://www.nccoastalmanagement.net>. Click on the link to "Land Use Planning/Beach & Waterfront Access".

Local Government: Bertie County

Federal ID #: 56-60000276

Lead Elected Official: John Trent

Title: Chairman of the Board of Commissioners

Address: P.O. Box 530, 106 Dundee Street
Windsor, NC 27983

Local Administrator of this Project:
Scott Sauer

Title: County Manager

Address: P.O. Box 530, 106 Dundee Street
Windsor, NC 27983

Phone: (252) 794-5300

Fax: (252) 794-5327

Email Address: scott.sauer@bertie.nc.gov

Signature: _____

Name (print): _____

Date: _____

Project Name: Albemarle Sound Public Waterfront Access

Is this an ongoing project (for example, Phase II of a previously funded project, or improvement to an existing project)?

Yes: _____ No: X

If yes, please describe: _____

Project Type: Waterfront

(Local, Neighborhood, Regional, Urban Waterfront Redevelopment)

Land Acquisition: Yes: X No: _____

Site Improvements: Yes: _____ No: X

Previous DCM Access Grant Recipient: Yes: _____ No: X

If Yes, When: _____ How Many: _____

Additional Project Costs and Funding Sources NOT included in this proposal (if applicable):

Cost \$ _____ Source: _____

Cost \$ _____ Source: _____

Cost \$ _____ Source: _____

Budget Totals and Financial Assistance Requested: Provide information from Summary Budget.

Application Budget Total:

1. **DCM Grant Assistance Requested** \$ 250,000

2. **Local Contribution** \$ 25,000

Local Cash: \$ 25,000

Local Cash (Grant Assistance): \$ _____ Funding Source: _____

Local Cash (Grant Assistance): \$ _____ Funding Source: _____

Local In-Kind \$ _____

TOTAL COST \$ 275,000

Provide the following ATTACHMENTS and NARRATIVE:

- A. Project location maps: Provide a regional location map and a detailed vicinity map (street map) showing the project location. (Suitable for copying and insertion into grant contract)**

ATTACHED

- B. Parcel Information: Provide the following information for each parcel:**

1) Name and address of owner

Turner Bell Heirs

2) Project site address

Off of Bal Gra Road
Merry Hill, NC 27957
Bertie County

3) Lot dimensions

450,846 ft²

4) Applicable setbacks (zoning, CAMA, DOT, other) and local zoning and Future Land Use Map designation(s)

CAMA setback = 75' front waterfront for land disturbance. No land will be disturbed.
No Local Zoning Ordinances.

5) Deed number, book, page and date

Deed Number ??
Book 749
Pages 822, 823, & 824
Recorded May 15, 1998

6) Assessed value- (Only necessary for land or easement acquisition)

Tax Value \$564,136
Appraisal \$200,000 (attached)

7) An evaluation of its appropriateness for public access

Bertie County has recently purchased a 137-acre tract located on the Albemarle Sound with 2,440 linear feet of waterfrontage, ideal for public beach access. The proposed 10.35 acre tract for which CAMA grant funds are being sought is adjacent to this property and has approximately 140 linear feet of waterfrontage. Residents of Bertie County have no public access to the Chowan River and Albemarle Sound. The County wants to create a facility within these properties that will provide year round recreation for Bertie County citizens. In addition, the properties are adjacent to an area recently studied by archaeologists in search of clues to find the final destination of the "Lost Colony." The County deems this location perfect for the public to enjoy waterfront beach access, swimming, canoeing and kayaking, walking trails, and outdoor recreation activities.

8) Title opinion including Attorney's NC Bar number

9) Easement agreement, if applicable – do we need to include documentation of the 60' right of way that includes this property by noting the deed in the appraisal?

10) List of required permits or certifications or permits issued (CAMA, zoning, etc.).

NONE

C. Site description: Provide a description of the site, including natural features and existing improvements. Also include NC Division of Water Resources Surface Water Classification(s).

The topography is mostly flat with level grade. The soil conditions appear typical of the region and adequate to support development. There are no adverse environmental conditions on the site. Per the USDA Web Soil Survey, the subject tract consists of approximately 13.8% of BB, Bibb and Johnston loams, frequently flooded; approximately 57.5% of GoA, Goldsboro sandy loam 0 to 3% slopes; and approximately 28.7% WtE, Winton fine sandy loam 15 to 60% slopes. The US Fish & Wildlife Service reports 1.68 acres of the subject to be classified within the Freshwater Forested/Shrub Wetlands; per review of the soil map in conjunction with this map, all of the designated wetlands acreage appears to be located within the WtE soil are of the subject. Per the USDA Web Soil Survey, both the subject's BB and WtE soils are very limited for development of dwellings or small commercial uses and are frequently flooded. The subject's cleared acreage is all reported to be GoA soils which is only somewhat limited for dwellings or small commercial development.

The property is ideal for public recreational facilities such as the ones proposed to include horseback trails, walking / hiking trail, camping, swimming and a canoe / kayak launch as well as public beach access and swimming. Approximately 56% of the property is cleared and the rest is wooded and waterfrontage.

In addition, the property has two 60' fair access easements from US Highway 17 to the north and from Bal Gra Road to the west. According to the North Carolina Department of Environmental Quality, this area of the sound has a surface water classification of B; NSW.

D. For Land Acquisition: Provide a boundary survey indicating land area, along with a preliminary appraisal and a letter of intent to sell from the property owner. Provide a "Plan for Future Development" to include: a description of how the public will be able to use the site until improved access facilities are in place; a conceptual site plan showing proposed future development; and a timeline for developing the site.

Plan for Future Development

The County recently closed on purchasing the property adjacent to the 10.35 acre site that is being proposed for CAMA land acquisition funds. The adjacent property is 137 acres and will be combined with the 10.35 acre tract to develop a public recreational facility with a focus on public beach and waterfront access. The 137 acre property is accessed off of Highway 17 via a 60' easement on Bal Gra Road. The entrance to the property as a whole will begin on the 137 acre property at Bal Gra Road. An

access road will be constructed leading to the 10.35 acre tract. The property line between the two properties is where the public beach access is located. Acquiring the second property will allow for widening of the natural access point, additional swimming areas, and a kayak / canoe launch. The 10.35 acre tract will also include campsites and extensions of the horseback and hiking trails as noted in the Conceptual Site Plan.

A Master Plan is currently being developed by David Hodges, Jr. with Good Consulting Services, LLC in collaborative partnership with Dr. Paige Viren with East Carolina University. The Master Plan will be completed in January 2017, and will further determine what the final park design will include. The attached Conceptual Site Plan was developed with input from the public over the last 8 months along with the County Parks and Recreation Department.

While the Master Plan is being completed, the county will be acquiring the 10.35 acre tract pending CAMA approval. Development of the 137 acre site will begin this fall and will include completion of the entrance and access road, restroom facilities, and public beach access.

E. Project description: Provide a description of the project, including information on features, materials, and proximity to closest/other access sites.

The citizens of Bertie County, and many surrounding counties, have no public beach or water access on the Chowan River and Albemarle Sound. Bertie County has been working to provide such access to their citizens for years, but waterfront land is difficult to acquire. The County recently purchased a 137-acre tract is ideal with nearly a half mile of beach, and it will offer even more opportunities for eco-tourism throughout the property. The County plans begin phase one to include an access road, public beach access, swimming, walking trails, canoeing and kayaking. The public beach access is on the property line between the 137 acre tract and the 10.35 acre track proposed for CAMA land acquisition funds. The smaller tract will add another 140 linear feet of easily accessible beach and waterfrontage ideal for the kayak / canoe launch, additional campsites, and extended nature trails. The second phase will include full service restrooms, an outdoor performance stage on the waterfront, a heritage tourism and Lost Colony visitor education center, and adventure programming through Cooperative Extension Service's 4-H clubs.

F. Project site plan: Provide a to-scale site plan showing property lines, proposed construction, significant natural features, and existing uses on adjacent lots. Include a north arrow and graphic scale and dimensions for site improvements. *Improvements shown as an overlay on aerial photos also may be submitted as a supplement to but not in lieu of a site plan.* Provide to-scale building elevations and floor plans as applicable.

CONCEPTUAL SITE PLAN ATTACHED

G. Pre-project tasks: Identify tasks that must be completed prior to starting the project.

Preliminary work including appraisals is complete. The property will not be acquired until a decision is made regarding funding of the CAMA Grant Application in September 2016.

H. Local Government Approval: Each grant application must be reviewed and approved by the local governing board at a duly advertised public hearing or meeting. Provide a memorandum resolution, or copy of the minutes indicating the board's action on the application.

I. Is all or a portion of this project under consideration by other programs for funding?

YES _____ NO X *If so, indicate which program(s) and which fiscal year(s). Does the funding requested from another program duplicate or complement the funding requested from the Access Program? How viable is the project if complementary funding from another program is not secured?*

This property is not under consideration by other programs for funding. However, the site is adjacent to a 137 acre site recently purchased by the County to that will be part of the overall public park. The County has applied for a PARTF grant to assist with land acquisition of the larger property.

J. Is this project identified as high local priority in your certified Future Land Use Plan or local Access Plan? YES X NO _____ *If so, attach a brief description of the plan and a statement of the extent to which the project implements the policies of the plan.*

Below are excerpts of the press release from November 2015 when the Bertie County Board of Commissioners announced its effort to create a public recreational facility for public waterfront and beach access. The County is now in the process of acquiring the adjacent 10.35 acre tract on the water for which CAMA land acquisition funds are being sought. The second property is necessary to widen the public beach access as this are currently is along the property line of two tracts leading to the waterfront. The second property will be the location of the canoe / kayak launch, additional public beach and swimming area, camping, and nature trails.

FOR IMMEDIATE RELEASE

On November 16, 2015 the Bertie County Board of Commissioners took action to acquire 137 acres of land on the Albemarle Sound. By unanimous vote the County's governing body approved the expenditure of \$1,250,000 to secure public water access for recreation and tourism. Future plans may include a visitor's center for hosting outdoor performing arts, and to serve as an educational venue for the natural sciences and historical exploration along the site's 2,440 linear feet of coastal waters on the "inner banks" of North Carolina.

Beginning in early 2013, the Board of Commissioners identified four strategic business clusters: Agribusiness, Bio-mass and energy, Adventure Tourism and Waterfront development as areas of focus for the County's economic development efforts. As initially envisioned, Bertie County's "adventure tourism" efforts would capitalize on natural and wildlife resources for activities such as hunting, fishing, bird watching and eco-tourism activities such as hiking and canoeing.

"Providing public access to the County's eastern boundary waters of the Chowan River and Albemarle Sound has been one of our top priorities for several years," remarked Ronald Wesson, Chairman of the Board. Developing paddle trails and access to natural resources is a growing trend

in Bertie County as evidenced by the Town of Windsor's construction of multiple waterway access sites, and establishing camping platforms along the Cashie River.

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. In an August 2015 New York Times article covering recent archeological findings for the noted Lost Colony on Roanoke Island, Merry Hill, NC was identified as a location where ceramics and other material of European origin, that might have come from Roanoke's colonists. The article describes how British researchers re-examined historic coastal maps, which point to a spot on the western end of the Albemarle Sound near the outlets of the Chowan River and Salmon Creek in Bertie County. Commissioner Stewart White noted that "interest in the story of the Lost Colony and the archeological activity in Bertie County is really growing."

The County has also taken steps in recent months to partner with other local governments on a regional basis to promote eco-tourism, paddle trails for canoeing and kayaking and other attractions for visitors to northeastern North Carolina, which is described as "balancing nature and commerce." Vice Chairman Tammy Lee represents the Bertie County on this regional initiative.

The Board of Commissioners is seeking several grant opportunities such as the North Carolina Park and Recreation Trust Fund, reported Bertie County's economic developer Steve Biggs, "which should provide additional funds to develop this site in coming years." Chairman Wesson stated that "this Board's firm expectation is that this transaction will not negatively impact the County's tax rate."

The County is using funds from cash reserves, primarily from its water system enterprise fund which had borrowed monies from the General Fund to subsidize its start-up operations in the 1990s. The General Fund loaned \$855,000 to Water District II over several fiscal years, which will now be reimbursed as part of this transaction. The Board's action included the transfer of \$855,000 from Water District II cash reserves to the General Fund as repayment for this loan. The County's General Fund will provide the remaining \$395,000 from its fund balance reserves. Commissioner John Trent further clarified that "this is a cash transaction, with no additional debt for the County, and demonstrates what can be accomplished with good fiscal management."

Commissioner Ernestine Bazemore shared with the citizens in the audience that the County needs your input, stating "we want to hear from you and to understand your interest and your ideas in seeing this project develop."

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 the first phase. Other potential amenities may include an outdoor performance stage on the waterfront, a heritage tourism and Lost Colony visitor education center in the second phase. "The possibilities are unlimited" said Chairman Wesson, referring to swimming for children, adventure programming through the Cooperative Extension Service's 4-H clubs, hosting corporate outings, family reunions, and church events including river baptisms in the shallow sandy waters on the shoreline. "Educational field trips for school children,

a vacation spot for local families and hosting visitors from across the State and region are also possible with this investment, which will serve many generations into the future," said Wesson.

"This was a team effort with the Board of Commissioners fully engaged from the outset" noted County Manager Scott Sauer. The Board set high expectations for this project and everyone performed in an exceptional manner said Chairman Wesson, giving special thanks to the County's legal team Lloyd Smith and Jonathan Huddleston, Finance Officer William Roberson, Planning Director Traci White and project leadership from Economic Developer Steve Biggs.

K. Is this project reflected in other policy documents or ordinances? YES _____ NO X If so, attach a brief description of the document or ordinance and a statement of the extent to which the project implements goals of the document or ordinance.

L. Proposed Local Match and Cost Assumptions: Provide narrative indicating the source of cash match and availability of funds. Provide narrative explaining the relevance of proposed in-kind match to the project. If other state and/or federal funds are to be used as local match, indicate the amount, the funding source, when the funding source will be awarded/available, and the specific project elements that will qualify for joint funding.

Bertie is a Tier 1 county and therefore requires a 10% match. Bertie is committed to a cash match of \$25,000.

M. List the types and sources of utilities proposed; and identify associated costs. Note above ground utilities must be identified.

NOT APPLICABLE

N. Proposed Summary Budget: The form below must be completed and included with your application.

	Grant Assistance Requested	Local Cash Contribution	Local In-Kind Contribution	TOTAL
Land Acquisition Costs				
10.35 acre property	\$ 250,000	\$ 25,000	\$	\$ 275,000
Subtotal	\$ 250,000	\$ 25,000	\$	\$ 275,000
Permit and Design Fees:				
Subtotal	\$	\$	\$	\$
Site Improvement Costs:				
Materials				

	\$	\$	\$	\$
Subtotal	\$	\$	\$	\$
Site Improvement Costs:				
Labor				
Subtotal	\$	\$	\$	\$
Local Administrative Costs:				
In-kind				
Subtotal	\$	\$	\$	\$
TOTAL BUDGET	\$ 250,000	\$ 25,000	\$	\$ 275,000

Additional Project Tasks NOT Included in this Proposal	Additional Project Cost
	\$ 0
TOTAL ADDITIONAL COST	\$ 0

O. Proposed Budget: If available, attach a detailed breakdown of the cost assumptions upon which the Summary Budget is based. Proposals that include this information increase their likelihood of funding.

The cost assumptions for land acquisition are based on the tax value of the property and the appraised value of the property.

P. Project Timeline: The purpose of the timeline is to establish benchmarks during the project period to ensure timely completion. Progress monitoring is to occur at 6 month intervals for the duration of an 18 month contract. We recognize that unexpected events may require adjustments to the timeline. The schedule is meant to be an aid for measuring the progress of the project and a guide to making adequate contract adjustments when necessary.

Month	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Task																		
Return Contract	X																	
Land Acquisition			X															
Permitting Process																		
Land Preparation																		
Construction																		
Landscaping																		
Final Inspection																		
Close-Out				X														

Q. Project Reporting Periods: The form below only illustrates grant and local cash match totals. Local funds must be spent before grant funds. Non-cash match is not illustrated or represented in the table; however it must still be reported.

Grant: \$ 250,000

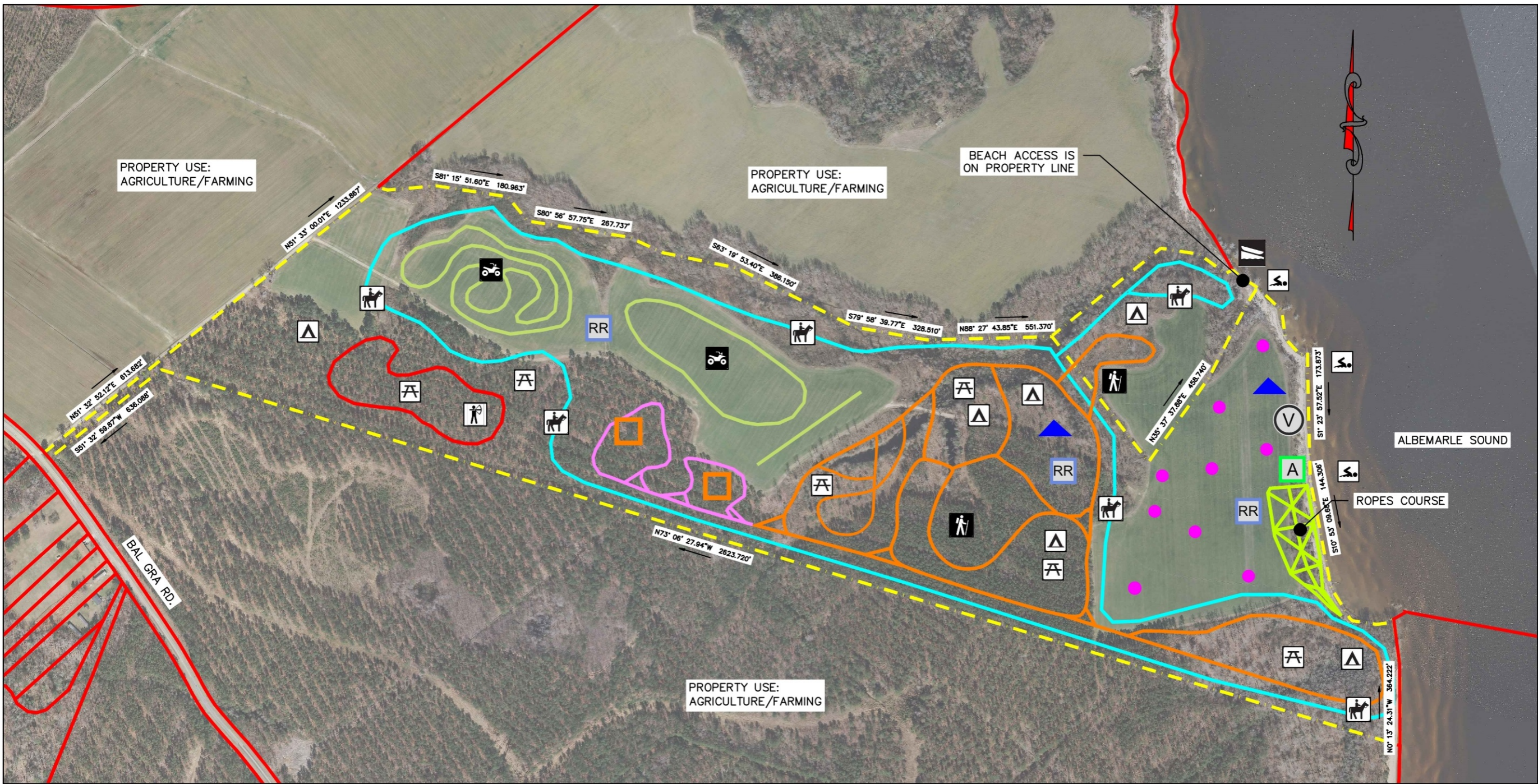
Cash Match: \$ 25,000
 Non-cash Match: \$ _____

Total: \$ 275,000

PROJECT SCHEDULE AND ACTIVITIES CHART

<p>% of total work to be completed <u>100</u> %</p> <p>Grant funds to be spent \$ <u>250,000</u></p> <p>Local funds to be spent \$ <u>25,000</u></p>	<p>Period 1</p> <ul style="list-style-type: none"> • Land Acquisition by February 2017 • • •
<p>% of total work to be completed _____ %</p> <p>Grant funds to be spent \$ _____</p> <p>Local funds to be spent \$ _____</p>	<p>Period 2</p> <ul style="list-style-type: none"> • • • •
<p>% of total work to be completed _____ %*</p> <p>Grant funds to be spent \$ _____</p> <p>Local funds to be spent \$ _____</p>	<p>Period 3</p> <ul style="list-style-type: none"> • • • •

* The final reporting period shall include a holdback of 10% of the total grant award, which is retained until a closeout packet is received by the District Planner/Contract Administrator.



PROPERTY USE:
AGRICULTURE/FARMING

PROPERTY USE:
AGRICULTURE/FARMING

BEACH ACCESS IS
ON PROPERTY LINE

ALBEMARLE SOUND

ROPES COURSE

PROPERTY USE:
AGRICULTURE/FARMING

BAL GRA RD.

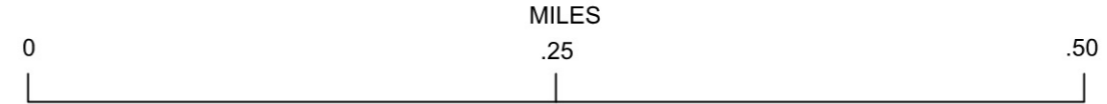
--- PARK BOUNDARY =
137 ACRES AND
10.35 ACRES FOR
ADJOINING PARCEL

▲ PICNIC AREA

- SWIMMING AREA
- CAMPING AREA
- HORSE BACK RIDING
- ARCHERY RANGE
- ATV RIDING AREA
- HIKING TRAILS
- CANOE AND KAYAK LAUNCH
- AMPITHEATER
- RESTROOMS
- VOLLEYBALL AREA
- DISC GOLF
- FITNESS TRACK

SITE LAYOUT

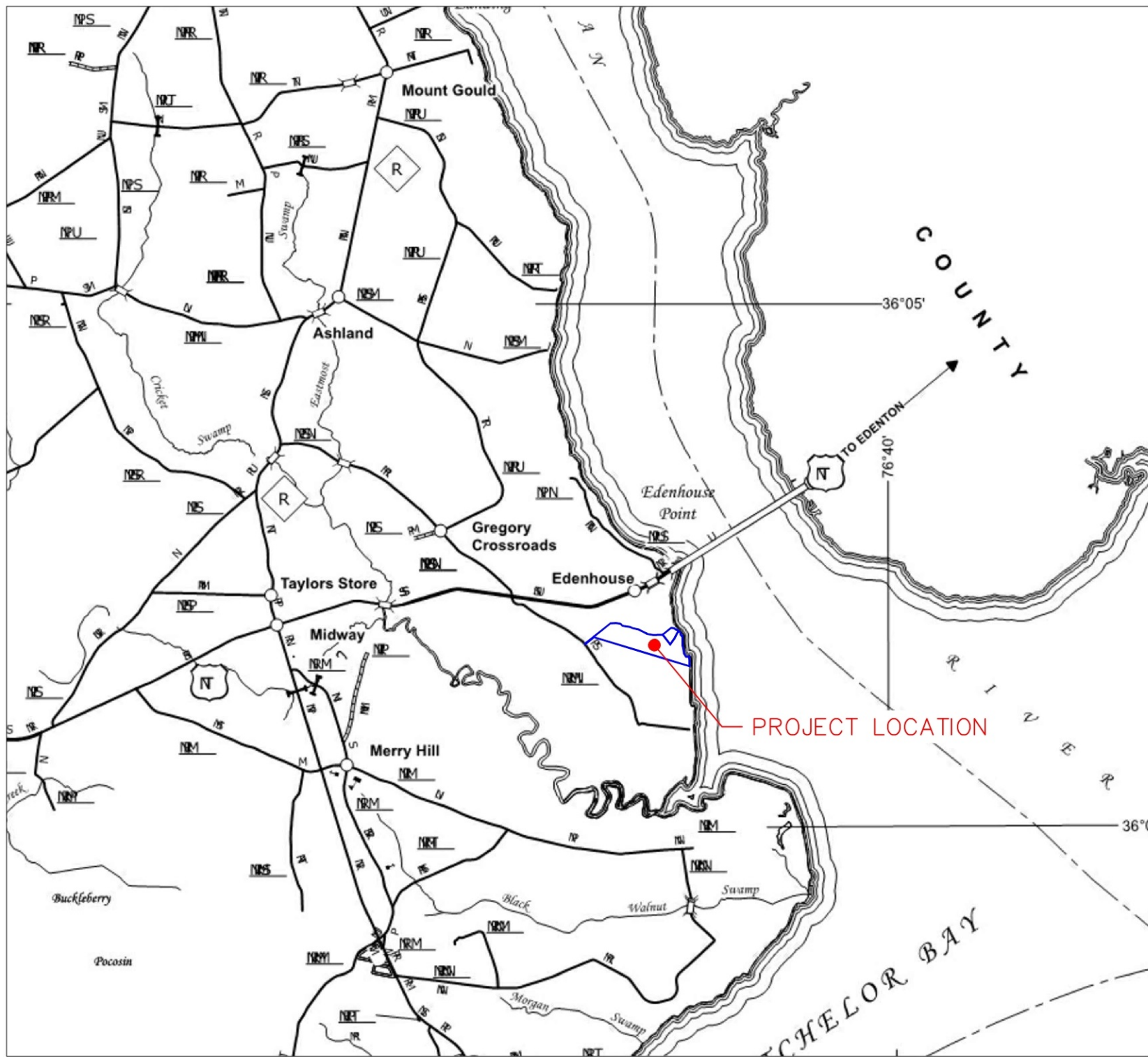
ALBEMARLE SOUND
PUBLIC WATER FRONT ACCESS
BERTIE COUNTY, NORTH CAROLINA



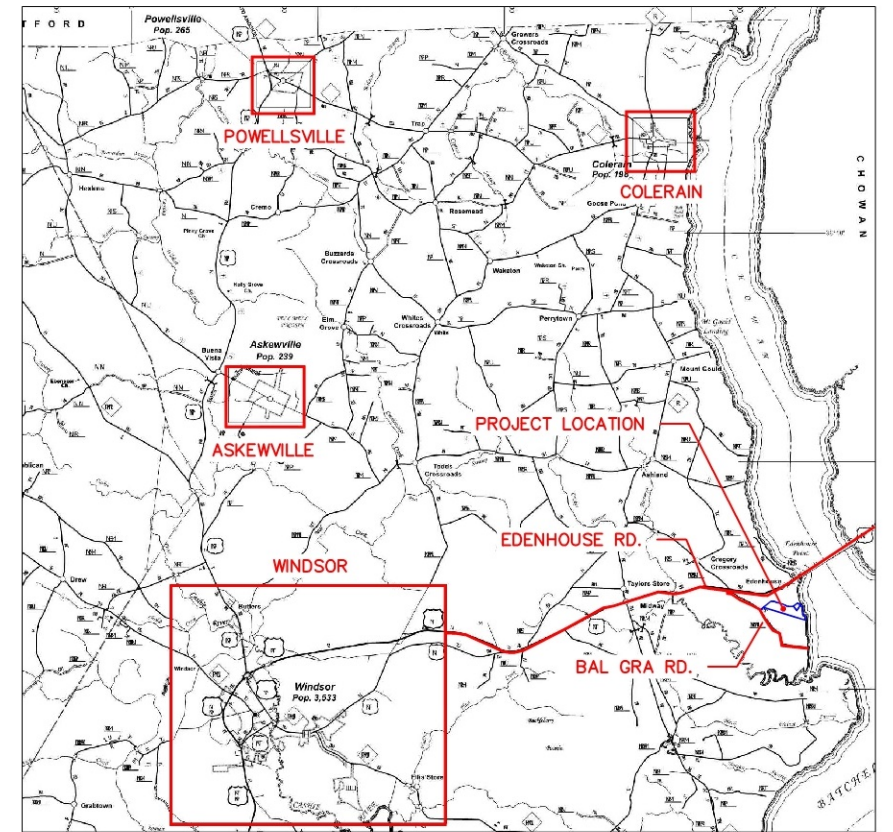
JULY 7 2016

REFERENCE DEED BOOK 859 PAGE 901
RECORDED 09/29/2006

McAdams & Associates, LLC

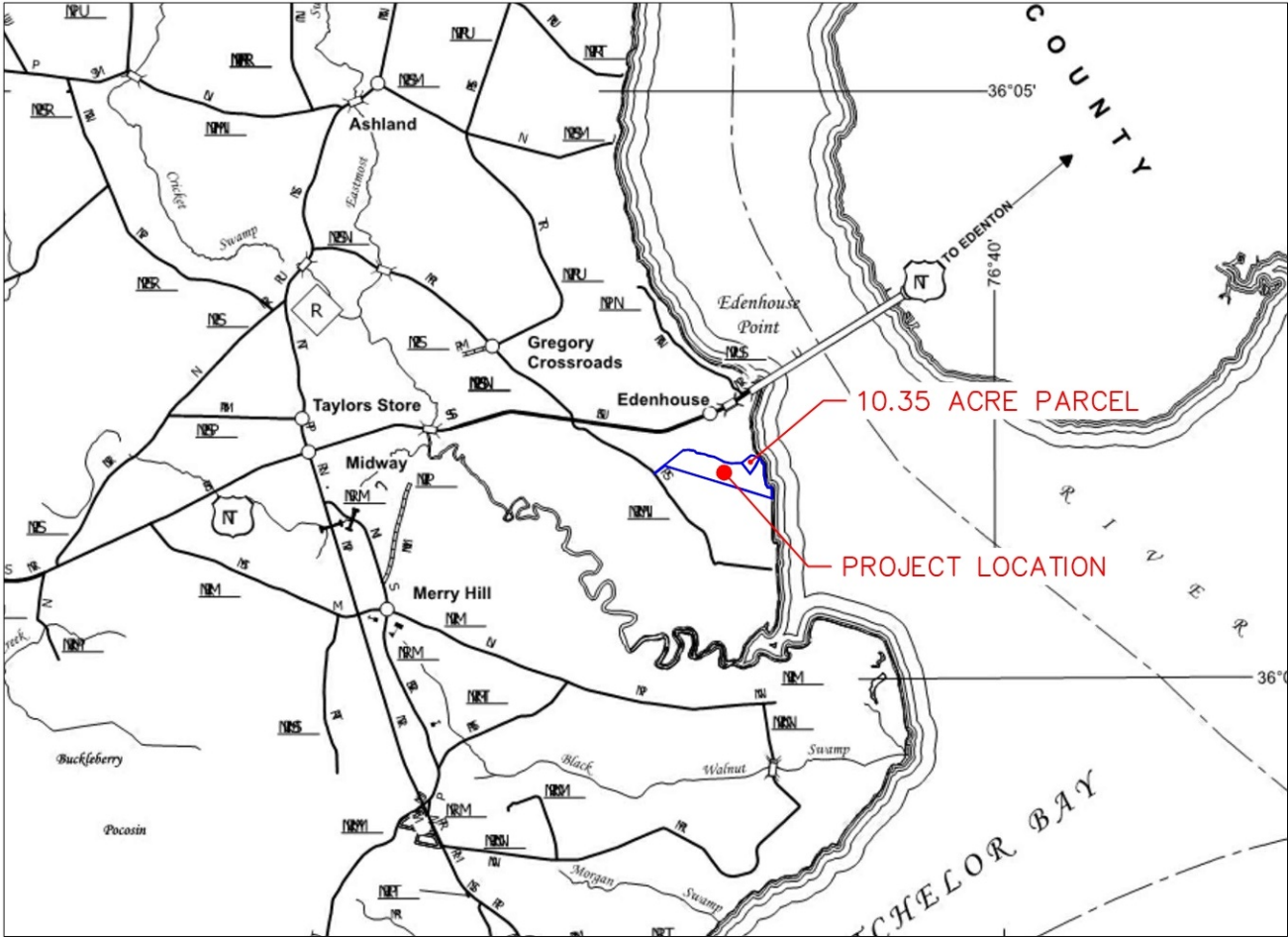


VICINITY MAP



REGIONAL MAP





SITE VICINITY MAP
 LAND ACQUISITION LOCATION
 OFF OF BAL GRA RD. (MERRYHILL NC.)
 BERTIE COUNTY NORTH CAROLINA
 LATITUDE - 36° 1'34.62"N
 LONGITUDE - 76° 42'55.24"W



PRITCHETT & BURCH, PLLC

ATTORNEYS AT LAW
101 LAWYERS LANE – POST OFFICE DRAWER 100 – WINDSOR, NC 27983
Telephone (252) 794-3161- Facsimile (252) 794-2392
E-mail jhuddleston@windsorlaw.com

LLOYD C. SMITH, JR. * +
JONATHAN E. HUDDLESTON
LLOYD C. (CLIF) SMITH, III
PEGGY T. SMITH

J.A. PRITCHETT (1897-1986)
WILLIAM W. PRITCHETT, JR. (1944-2001)

*Certified Mediator
+Certified Family Financial Mediator

July 27, 2016

Mr. Scott Sauer
Bertie County Manager
Post Office Box 530
Windsor, NC 27983

Re: Final Application for North Carolina Public Beach and Coastal Waterfront Access Program, 2016-17 Cycle
Property owned by Turner Carter Bell heirs (Jane B. Brandon, Margaret B. Daly and Holley B. Alexander) located off of Bal Gray Road in Merry Hill, North Carolina, containing 10.351 acres
P&B File: 15-MS-377

Dear Scott:

At your request, I have enclosed a title opinion for the above referenced tract. It is called a "Preliminary Opinion On Title" and is the standard form for real estate attorney title opinions. It lists the owners, gives a legal description of the property and identifies any encumbrances on the property. The title is clear with only a few permissible exceptions. Those exceptions are shown in the section called "Other Easements, etc." and consist of acceptable easements and an acceptable declaration from the State regarding submerged lands.

I have also enclosed a copy of the survey that identifies the subject property as Parcel B. I have shown my NC Bar number next to my signature, but it is 21128 if you find that you have to list it anywhere else.

Let me know if you need anything else from me on this.

Sincerely,

PRITCHETT & BURCH, PLLC

Jonathan E. Huddleston

JEH/dbf
Enclosures

JEH/15Miscellaneous/Tall Drink/Sauer, Scott Ltr – Title Opinion/15-MS-377/dbf

**PRELIMINARY OPINION ON TITLE FOR
N.C Division of Coastal Management**

The undersigned has examined the record title on the Bertie County records (and municipal tax and assessment records if within a municipality) for the period shown below relative to title to the real property described below, and gives the following opinion of status:

Owner(s): Jane B. Brandon , Margaret B. Daly and Holley B. Alexander

Interest or estate: Marketable Fee Simple

Property Description:

That certain lot or parcel of land situated in Whites Township, Bertie County, North Carolina, containing 10.351 acres, more or less, and identified as "Parcel B" on that survey entitled, "Bertie, LLC- Boundary Survey" dated August 30, 2005, recorded in Plat Cabinet B, Page 655 in the Office of the Bertie County Register of Deeds. This is a portion of a tract devised by Last Will and Testament of Turner Carter Bell to his three daughters, as shown in Bertie County file 99-E-189. The subject tract was created by deed at Book 844, Page 175 in the Office of the Bertie County Register of Deeds.

Subject to the uninitialed **STANDARD EXCEPTIONS** on reverse side hereof.

Also subject to the following **SPECIAL INFORMATION AND EXCEPTIONS:**

Taxes:

1. **Ad valorem** taxes are paid through and including those for the year: 2015
2. Taxes now due and payable: None
3. Taxes, a lien, deferred or otherwise, but not yet due and payable: DEFERRED TAXES DUE UPON SALE FROM SELLER.
4. Special levies or assessments now due or payable in future installments: None
5. Estate or inheritance taxes: None

Restrictive Covenants? Yes []; No [X] (Attach Copy).

1. None
2. Does survey and/or public record indicate a violation? Yes []; No []; Unknown [X].
3. Contain reversionary or forfeiture clause? Yes []; No [X].
4. Building Setback Line(s) of _____ feet from front; _____ feet from side; _____ feet from side street; _____ feet from rear.
5. Easements/Other Matters: None

Survey and Inspection Report Attached? Yes []; No [X].

Recorded Plat? Yes [X]; No [].

1. Map Book B, Page 544
2. Building Setback Line(s) of _____ feet from front; _____ feet from side; _____ feet from side street; _____ feet from rear.
3. Violated? Yes []; No []; Unknown [X].
4. Easements/Other Matters: None

Access to Public Right of Way? Yes [X]; No [].

Direct []; or over a private easement [X]? (if private easement, attach copy).

If over a private easement, has a search been made of adjoining property on which easement crosses? Yes [X]; No [].

Property Occupied By: Owner []; Tenant []; Unimproved [X]; Unknown [].

Updating From Previous Title Insurance Policy? Yes []; No [X] (Attach Copy). If "Yes", has a search of the public records been accomplished for such period of time within which judgements, liens or other matters could affect the property, regarding the owner(s) of the property on and after the date of said policy? Yes []; No [].

Other Easements, Liens, Deeds of Trust, Objections or Defects:

- a. Bertie County 2016 taxes not yet due and payable.
- b. Bertie County Deferred taxes will become due when Property is sold.
- c. Existing right of ways for highways and public utilities.
- d. Such matters as may be shown from a current and accurate survey of the premises.
- e. Noncompliance, if any, with local, county, state or federal government laws, ordinances or regulations, relative to zoning, environment, subdivision, occupancy, use, construction or the development of the subject property.
- f. We have made no environmental examination of the premises, and make no certification as to any contamination of soil or ground water.
- g. Right of Way Easement between W. M. Bell, et ux, et al to County Water District II recorded in Book 746, page 89.
- h. Declaration of Final Resolution of Claim to Submerged Lands recorded in Book 749, page 781. Simply states the law regarding public trust doctrine and submerged lands.
- i. Right of way from MDB Enterprises, Inc. to Jane B. Brandon, Margaret B. Daly and Holley B. Alexander recorded in Book 902, page 718. This right of way benefits the subject tract by giving access to Bal Gra Road (SR 1501) but contains obligations to maintain the right of way.
- j. There is a right of way to Highway 17 contained in deed from Turner Carter Bell, William M. Bell and wife, Wanda H. Bell and Holley Mack Bell and wife, Clara B. Bell to Turner Carter Bell recorded in Book 749, page 822. This right of way is running approximately 1500 feet along the line of the property conveyed to Holley Mack Bell. A portion of this Right of Way runs through property that was owned by Celia Sawyer. The current owners of the Celia Sawyer property need to sign an easement if the access to Highway 17 is going to remain in the current location. Even if they don't, the property still has access to Bal Gra Road (S.R. 1501).
- k. Subject to the terms of access to the beach by beach path and future requirements to construct a road way and provide access to utilities that are shown in Deed from Jane B. Brandon, Margaret B. Daly and husband,

PRELIMINARY OPINION ON TITLE CONTINUED

Roswald B. Daly and Holley B. Alexander and husband, Eben Alexander to Bertie, LLC, recorded in Book 844, page 175. However, Bertie County now owns the adjacent tract that these requirements are tied to so upon purchase of this 10.351 acre tract the the titles will merge and the requirements will drop off.

This opinion of title is for the parties to whom it is furnished, is not transferable, and may not be used by any other person or entity without the prior written consent of the undersigned.

The Search Period was from June 27, 1936 to July 26, 2016 at 11:00 AM

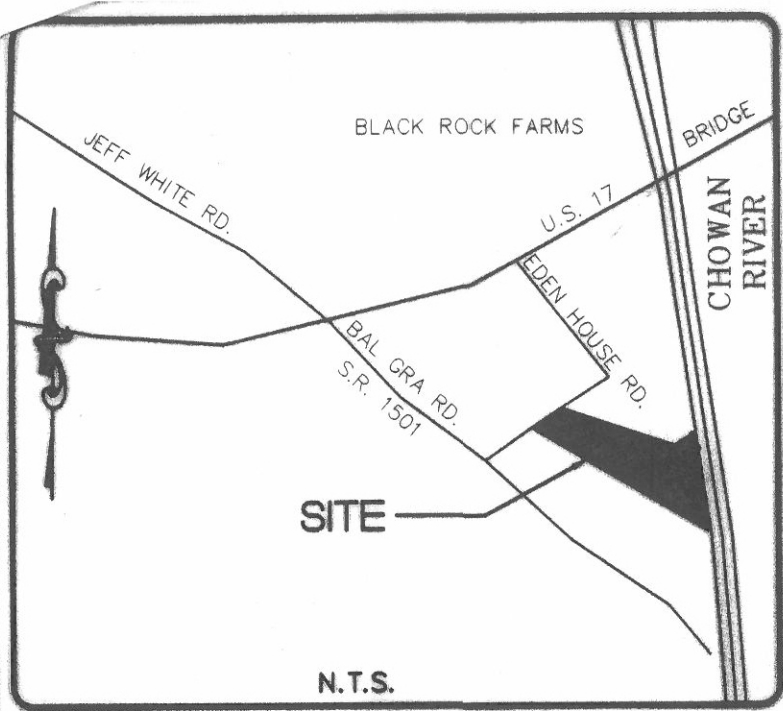
Telephone: (252)794-3161

Address: P. O. Drawer 100
Windsor, NC 27983

Pritchett & Burd, PLLC

By: _____

Attorney
Jonathan E. Huddleston
NC Bar # 21128



REGISTRAR'S CERTIFICATE

THE FOREGOING CERTIFICATES OF CARLOS F. GOMEZ, P.L.S. ARE CERTIFIED TO BE CORRECT, PRESENTED FOR REGISTRATION THIS THE ___ DAY OF ___ 2005, AT ___ O'CLOCK ___ A.M., AND RECORDED IN THIS OFFICE IN PLAT CABINET ___ SLIDE ___

SURVEYOR'S CERTIFICATE

I, CARLOS F. GOMEZ, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, THAT THE ERROR OF CLOSURE AS CALCULATED BY LATITUDES AND DEPARTURES IS +1:10,000, THAT THE BOUNDARIES NOT ACTUALLY SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN EXISTING RECORDS AND THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. I ALSO CERTIFY THAT THIS IS A SUBDIVISION OF EXEMPT PARCELS OF LAND.

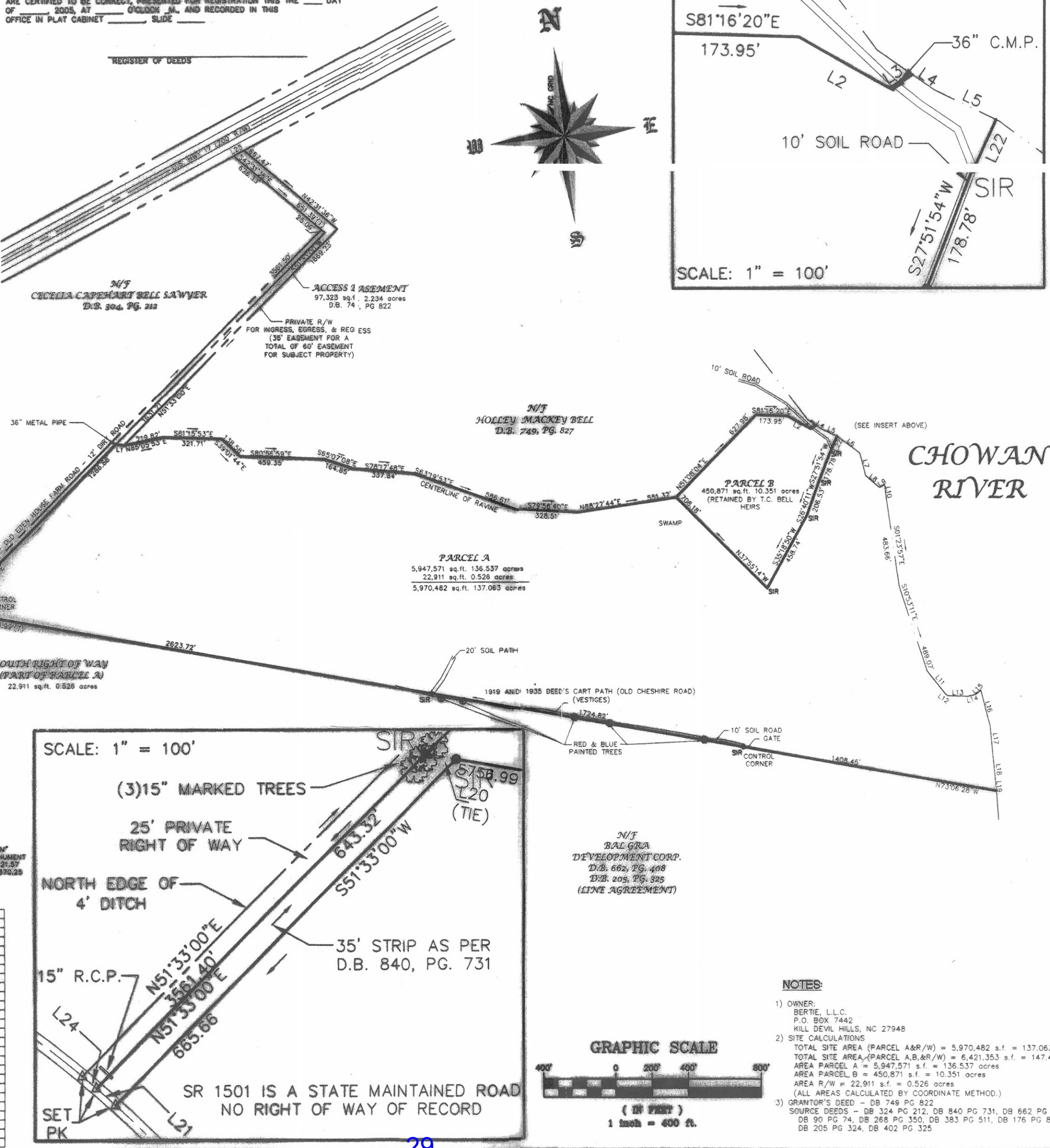
WITNESS MY HAND AND SEAL THIS 7th DAY OF SEP. 2005.



REVIEW OFFICERS CERTIFICATE

I, BETH L. WHITE, REVIEW OFFICER OF BERTIE COUNTY, CERTIFY THAT THE PLAT TO WHICH THIS CERTIFICATION IS APPLIED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

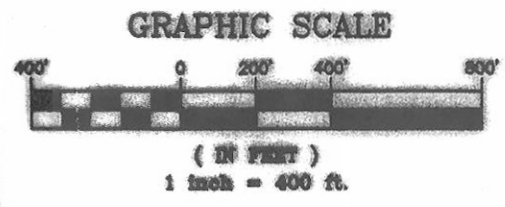
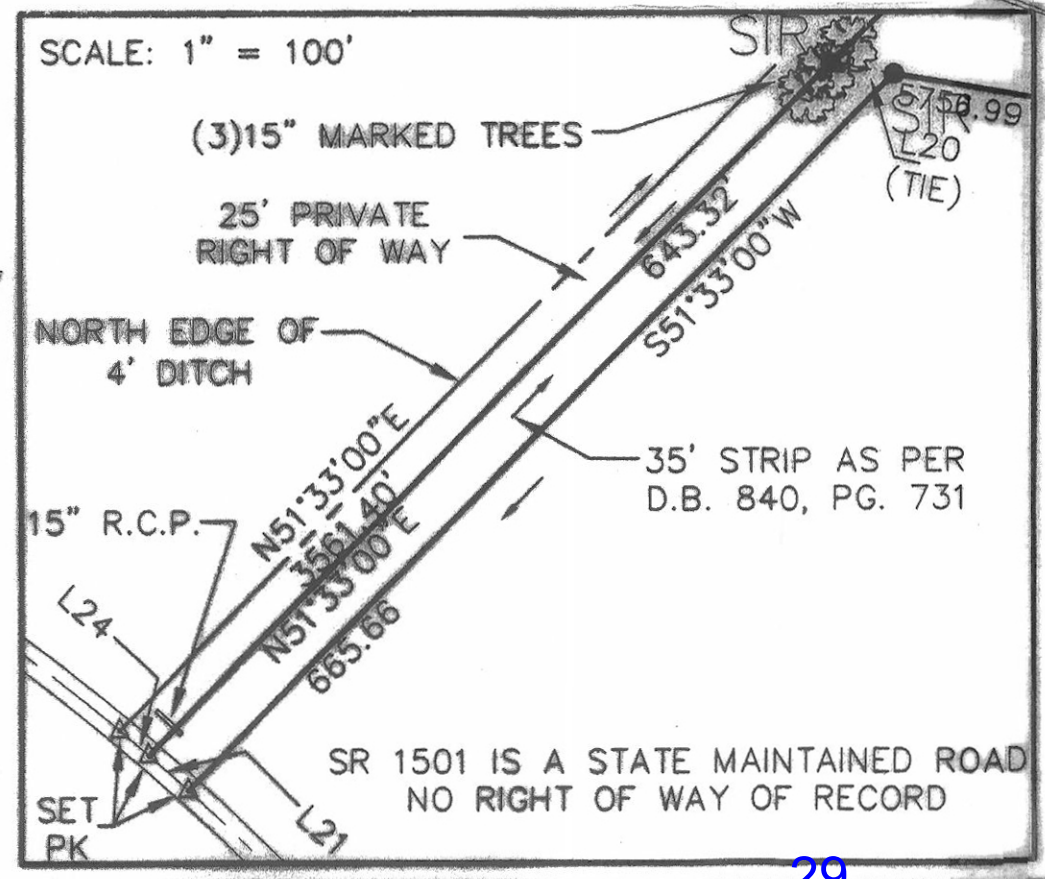
Beth L. White
DATE REVIEW OFFICER



Bertie County--Register of Deeds
Belinda S. White, Register of Deeds
Inst# 12947 Book CAB 2 Page 655
Dgs: 1 09/08/2005 11:59:33am
By Assess Wilson, Dep.

- LEGEND:**
- ECM - EXISTING CONCRETE MONUMENT
 - EIR - EXISTING IRON ROD
 - EIP - EXISTING IRON PIPE
 - SIR - SET IRON ROD
 - POWER POLE
 - TELEPHONE PEDESTAL
 - (T) TOTAL DISTANCE
 - EOP - EDGE OF PAVEMENT
 - R/W - RIGHT OF WAY

LINE	LENGTH	BEARING
L1	42.80	S73°34'54"E
L2	145.10	S53°42'15"E
L3	35.56	N63°30'54"E
L4	37.10	S48°02'56"E
L5	98.23	S57°07'09"E
L6	150.30	S48°23'11"E
L7	126.93	S07°29'03"E
L8	100.81	S43°11'51"E
L9	32.10	N67°30'17"E
L10	82.35	S00°05'59"W
L11	163.97	S31°17'24"E
L12	14.10	S47°48'18"E
L13	110.20	S81°28'13"E
L14	47.70	N82°29'08"E
L15	35.87	N54°02'14"E
L16	203.85	S07°34'33"E
L17	149.73	S02°11'03"W
L18	194.43	S01°17'17"W
L19	16.56	S02°03'03"W
L20	42.55	S73°08'28"E
L21	35.05	N41°29'05"W
L22	74.85	S31°27'40"W
L23	64.36	S68°41'24"W
L24	25.07	N42°45'27"W



NOTES:

- 1) OWNER: BERTIE, L.L.C. P.O. BOX 7442 KILL DEVIL HILLS, NC 27948
- 2) SITE CALCULATIONS
TOTAL SITE AREA (PARCEL A&R/W) = 5,970,482 s.f. = 137.063 acres
TOTAL SITE AREA (PARCEL A,B,&R/W) = 6,421,353 s.f. = 147.41 acres
AREA PARCEL A = 5,947,571 s.f. = 136.537 acres
AREA PARCEL B = 450,871 s.f. = 10.351 acres
AREA R/W = 22,911 s.f. = 0.526 acres
(ALL AREAS CALCULATED BY COORDINATE METHOD.)
- 3) GRANTOR'S DEED - DB 749 PG 822
SOURCE DEEDS - DB 324 PG 212, DB 840 PG 731, DB 662 PG 406, DB 90 PG 74, DB 268 PG 350, DB 383 PG 511, DB 176 PG 83, DB 205 PG 324, DB 402 PG 325

934 W. Kitty Hawk Rd.
P.O. Box 1129
Kitty Hawk, N.C. 27949
(252)-261-4151

Coastal
ENGINEERING & SURVEYING, INC.
Civil - Structural Site Development

NO.	DATE	DESCRIPTION	BY	ALC
1	8/30/05	ACCESS EASEMENTS		

BERTIE, LLC
O.M. MANGEMENT GROUP, LLC
BOUNDARY SURVEY

NORTH CAROLINA
BERTIE COUNTY
WHITES TWP

DATE: 8/30/05	SCALE: 1:400
CHECKED: CFB	DRAWN: ALC
PROJECT NO: P468	
CAD FILE: P468-BNDYREV1	
SHEET: 1 of 1	



Bertie County

Board of Commissioners

ITEM ABSTRACT

MEETING DATE: August 1, 2016

AGENDA ITEM: A-5

DEPARTMENT: Governing Body

SUBJECT: Proposal for Comprehensive Countywide Recreation Master Plan for Bertie County to include in NC Parks and Recreation Trust Fund 2017 grant application for site development at the Albemarle Sound Waterfront Recreation Area—Presented by Paige Viren, Associate Professor of Recreation & Leisure Studies at East Carolina University and J. David Hodges, Good Consulting Services, LLC.

COUNTY MANAGER RECOMMENDATION OR COMMENTS:

Approval of project proposal to administer countywide recreation master planning process as presented by Dr. Paige Viren and Mr. David Hodges to begin immediately.

PRESENTER BIO(S):

(1) David Hodges has assisted communities in northeastern North Carolina during a 35 year career, with extensive work in Martin County and the Town of Windsor. Mr. Hodges spent his career with the USDA Natural Resources Conservation Service as the District Conservationist for Dare and Tyrrell counties and the Mideast Resources Development Council.

(2) Paige Viren has also assisted various communities in North Carolina with attracting economic development initiatives. This work has earned her the 2016 ECU Scholarship of

Engagement Award. Viren's scholarship focus is on the development of sustainable community-based tourism.

SUMMARY OF AGENDA ITEM AND/OR NEEDED ACTION(S):

Attached is our proposal to develop a Comprehensive System Wide Master Plan for Bertie County.

It has been our observation that in many cases a comprehensive recreation master plan is requested simply as a means of checking a task off of a PARTF grant application. Instead of guiding priorities, the plan sits on a shelf collecting dust.

Our goal is to develop a plan that provides a framework to identify goals and priorities. David and I have been partnering on projects in eastern North Carolina since 2008 and building relationships with key stakeholders in building sustainable community based recreation and tourism in rural communities.

We are committed to improving quality of life in rural communities where we live and work. Instead of checking an item off a list for the PARTF grant, the Comprehensive System wide Master Plan for Bertie County will be a road map to success.

Our goal is to provide short and long-term goals and priorities that can be used not just for your Phase 1 PARTF grant application, but those to follow as well as solicit funds from other grant sources. We have the local knowledge and experience with relevant stakeholder groups to insure a plan that represents the true needs of the community.

The plan will be a tool to support the Board of Commissioners' decisions for budget allocations and the future of Bertie County.

ATTACHMENTS: Yes

LEGAL REVIEW PENDING: N/A

ITEM HISTORY: ---

Comprehensive Systemwide Plan for Bertie County Parks and Recreation

Dates of Project: August 2016 - January 2017

Project Deliverables and Budget Narrative

A. Salary

Compensation for Project Deliverables -

Compile a comprehensive long-term planning document to support NCPARTF application that addresses the following: 1) a description of Bertie County's residents and their preferences for recreational activities and facilities, 2) evaluate existing recreational facilities to determine if Bertie County's current and future recreational needs are being met, 3) provide an estimate of recreational land to be acquired and the planned recreational facilities to be developed, 4) provide a detailed description documenting the Bertie Board of County Commissioners' public involvement during this planning process.

= \$24,512

Graduate Student - TBD

Assist with survey preparation, data entry, data cleaning, and analyzing survey results and report writing. 10 hours per week for one semester/6 months = \$2,400.00

Part-time Undergraduate Student - TBD

Assist with keying and questionnaire assistance. 250 hours @ \$8.00 - \$2,000.00

B. Travel

Travel will involve on-site visits to Bertie County and its surrounding communities as deemed necessary to complete an inventory of existing and potential recreation/tourism assets in the county, conduct community meetings to gather public input, and present project deliverables and reports to the board of commissions and recreation advisory board and community stakeholders. = \$2,800.00

C. Other

Consultant - Outside services rendered to provide supporting Plan documents, ex. on-site visits necessary to complete any GIS and associated mapping, engineering support, and similar professional services. = \$3,000.00

Supplies and Materials - Miscellaneous provisions necessary to encourage an inclusive public engagement process through community-wide public input meetings, applicable focus group meetings, distribution of the Parks and Recreation Needs Citizen Survey, and final compilation and printing of Plan. = \$2,400.00

Total: \$37,112.00

As submitted by:

Dr. Paige P. Viren, East Carolina University

Mr. J. David Hodges, Jr., Good Consulting Services, LLC

Scholarship of Engagement Award

June 22, 2016



Paige Viren serves on NCGrowth's expert committee

Paige Viren's passion for travel and meeting people is part of her DNA. If you spend a few minutes with her, this fact becomes apparent. She has traveled to six continents and hopes to add another stamp to her passport with a visit to Antarctica on her bucket list.

"I am always eager to share my experiences with others to help them appreciate the many amazing people and places out there, especially my Southern home in eastern North Carolina," said Viren. "I want others to be excited about adventures even in their own backyard."

Viren extends this passion to the classroom and community. She believes that the best way to learn is by doing, so she teaches students the significance of developing community partnerships and how they benefit rural communities in eastern North Carolina.

And this work has earned her the 2016 ECU Scholarship of Engagement Award.

Viren's scholarship focus is on the development of sustainable community-based tourism. Applying previous experience as a travel agent, Viren's efforts to support economic development, protect and enhance natural and cultural resources in towns along the Roanoke River began in 2010.

Meeting with town officials and community members, Viren helped bring together key stakeholders from the Roanoke Rivers Mayors Association participating towns – Hamilton, Jamesville, Windsor, Scotland Neck, Hobgood, Bear Grass, Halifax, Weldon, Williamston, Hassell, Plymouth and Oak City. An inventory of assets was developed and studies were conducted to survey business opportunities. In the past five years, new businesses including a museum, an ice cream store and campsites have been created in these municipalities

“Dr. Viren plays an important role in developing a mutual relationship that benefits the community, her engaged research and her students,” said Dr. Matt Mahar, chair of the Department of Recreation and Leisure Studies.

“Community members with whom she works have indicated that Dr. Viren makes it easier for all constituents to see that working together can elevate them to places they could not attain on their own.”

Viren and her students crafted marketing plans and supported grants to secure funding for a handicap accessible kayak launch and boat access in Windsor. The latest project is the construction of two treehouses and a “treeZebo,” or observation deck connected by an elevated walkway on the banks of the Cashie River, which are intended to provide additional accommodations in Windsor.

“A sense of place is important to sustainable tourism,” said Viren. “That connection to the river offers people a sense of belonging. The more people are connected to rural areas the more likely they are to protect them.

Accepting the invitation to serve on the leadership team for eastern North Carolina’s Land of Water initiative, Viren provides expertise in sustainable tourism and coastal ecosystems to their mission of stimulating economic growth of the Inner and Outer Banks.

Viren also collaborated with Pitt, Pamlico, Craven and Carteret counties to develop master plans with strategies to increase recreational access in these communities.

“Her work has and can continue to have a significant impact on the economy of eastern North Carolina,” said Dr. Glen Gilbert, dean of the College of Health and Human Performance. “She is a reflection of a faculty member who inspires students by combining her many teaching, research and outreach talents.”

Viren joined the ECU faculty in 2008 and has served as an affiliate faculty with the Center for Sustainable Tourism. She received her bachelor’s degree in recreation and leisure studies and a master’s in leisure and tourism studies from Bowling Green State University, and a doctorate in park recreation and tourism resources from Michigan State University.



Bertie County

Board of Commissioners

ITEM ABSTRACT

MEETING DATE: August 1, 2016

AGENDA ITEM: C-1

DEPARTMENT: Governing Body

SUBJECT: Approve minutes for Regular Session 7-5-16

COUNTY MANAGER RECOMMENDATION OR COMMENTS: Recommend approval.

SUMMARY OF AGENDA ITEM AND/OR NEEDED ACTION(S): Recommend approval.

ATTACHMENTS: Yes

LEGAL REVIEW PENDING: N/A

ITEM HISTORY: ---

Windsor, North Carolina
July 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
Clerk to the Board Sarah S. Tinkham
Assistant County Attorney Jonathan Huddleston
Finance Officer William Roberson
Economic Development Director Steve Biggs
Tax Administrator Jodie Rhea
Administrative Secretary Belinda Belch
FCS Agent Whitney Watson
Agriculture Agent Jarette Hurry
Cooperative Extension Director William (Billy) Barrow

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

CALL TO ORDER

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

INVOCATION/PLEDGE OF ALLEGIANCE

Chairman Trent led the Invocation and Pledge of Allegiance.

PUBLIC COMMENTS

There were no public comments.

APPOINTMENTS

Introduction of new Cooperative Extension Director, Mr. William (Billy) Barrow, by Associate Director, NC Cooperative Extension, NC State University, Travis Burke

Travis Burke, Associate Director of NC Cooperative Extension at NC State University, was present to introduce Bertie County's new Cooperative Extension Director, Mr. William (Billy) Barrow.

Mr. Barrow is a native of the area and spent many years in Aulander at the Golden Peanut facility.

Mr. Burke thanked the Board as well as the various Cooperative Extension staff for their patience during the interview and selection process of a new director, and stated that Mr. Rhodes, as well as the Interim Director, Craig Ellison, served the County admirably.

The Board welcomed Mr. Barrow to the team, and Mr. Barrow thanked the Board for their support.

Economic Development Report - re: Bakers' Southern Traditions \$100,000 grant

Economic Development Director, Steve Biggs, was present to formally announce the success of a grant application to expand the Bakers' Southern Traditions to a new building in downtown Roxobel. The building is being reused after a furniture and consignment shop relocated to another vacant building in the same town.

Mr. Biggs thanked all of those involved with the achievement of this grant including the Board of Commissioners, grant writer Emily Miller of McAdams and Associates, Danielle Baker of Bakers' Southern Traditions, Melody Adams and Hazel Edmond of the Department of Commerce Rural Division, Garry Terry, member of the NC Rural Authority Board, and the Small Business Technology Development Commission.

Ms. Danielle Baker of Bakers' Southern Traditions was also present to thank the Board for their support, and thanked Mr. Biggs for spearheading the grant application process, and putting her in contact with the appropriate parties.

She stated that the company's sales had been growing for several years, and they were quickly outgrowing their current facility. She said this grant will assist with hiring the additional, much needed staff, and that the new facility could house plenty of space for current and future growth.

The Board commended Mr. Biggs for his efforts, and stated that they were excited for new grant opportunities to assist other small business owners with expansion and job creation.

BOARD APPOINTMENTS

Nursing Home/Adult Care CAC Board

Vice Chairman Bazemore made a **MOTION** to appoint Barbara Alexander to the Nursing Home/Adult Care CAC Board. Commissioner White **SECONDED** the motion. The **MOTION PASSED** unanimously.

Tri-County Airport Authority Board

Commissioner Wesson **MOTION** to appoint Steve Biggs to the Tri-County Airport Authority Board. 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 6-20-16, Work Session 6-20-16, Closed Session 6-20-16
2. **Memorandum of Agreement** with NC Wildlife Commission for portable toilets and trash receptacles at the Weeping Mary Road Boat Access area --- conditional approval
3. **Voting Delegate form** – NCACC Annual Conference in Winston-Salem, Aug. 11-14, 2016 – voting delegate: Vice Chairman Ernestine Bazemore
4. **Home Community Care Block Grant** – grant approval for Council on Aging and DSS
5. **Register of Deeds Fees Report** – June 2016

DISCUSSION AGENDA

Tax Administrator's recommendation to approve Disabled Veterans appeal for late application for tax exempt status

Tax Administrator, Jodie Rhea, presented his recommendation to approve a disabled veteran's appeal for late application for tax exempt status per a note the veteran received from another government agency. The government agency instructed the veteran to hold the form until after additional information was received, and upon receipt, to then submit this application to the Bertie County Tax Office. The submission to the County took place after the required deadline.

After a brief discussion, Commissioner Lee made a **MOTION** to approve the disabled veteran's appeal to receive the tax exempt status regardless of the late application. Commissioner Bazemore **SECONDED** the motion. The **MOTION PASSED** unanimously.

Tax Administrator's recommendation to approve written policy for late applications and guidance for Tax Office procedures

Additionally, Mr. Rhea introduced a policy closely modeled after the same policy in Mecklenburg County regarding "good cause" procedures, and recommended that the County's policy maintain the same leniency.

An electronic copy was available in the Board's electronic agenda packet.

Commissioner Lee requested a hard copy version to look over and suggested the item be reviewed at the upcoming work session on July 14th.

Chairman Trent called for a motion or any other requests for additional time to review.

Commissioner Bazemore made a **MOTION** to approve the motion as presented. Commissioner Wesson **SECONDED** the motion. The **MOTION PASSED** unanimously.

Work Session Agenda – July 14, 2016

County Manager Sauer stated that he was currently working on a list of potential agenda items, and wanted to present the bids recently received for upcoming projects in Water District III which were opened June 30, 2016.

Mr. Sauer reported that Herring-Rivenbark provided the lowest bid, and that this company has a vast knowledge of Bertie County roads and water operations as they built most of the current system. He stated that the company also had a great track record for “cleaning up behind themselves” regarding any disturbances to land and property.

The lowest bid also allows for additional project components to be considered, and Mr. Sauer assured that Board that he would bring forth further updates to the plans to accommodate other needed improvements earlier than expected.

County Manager Sauer reminded the Board that a copy of the bid tabulation was distributed to the Board last week in anticipation of today’s meeting.

Commissioner Wesson made a **MOTION** to approve the certified bid tabulation, notice of award for a contract in the amount of \$1,758,245.40 and the tentative authorization to accept the Herring-Rivenbark bid, contingent upon review and concurrence from USDA Rural Development and interim financing approved by the NC Local Government Commission.

Commissioner White **SECONDED** the motion. The **MOTION PASSED** unanimously.

Information about all of the bids is below:

<u>PROJECT COSTS</u>	<u>Budget</u>	<u>BID</u>	<u>Difference</u>
Construction: Water Mains & SCADA		\$1,758,245.40	
Water Meters		\$231,217.51	
Encoder Registers		\$151,798.50	
TOTAL CONSTRUCTION	\$2,351,755.00	\$2,141,261.41	\$210,493.59
Engineering Fees	371,400.00	371,400.00	0.00
PER	18,500.00		
Environmental Report	12,500.00		
Basic Services	151,500.00		
Inspection Services	136,400.00		
Additional Service	52,500.00		
Legal Fees (Local Attorney)	10,000.00	10,000.00	0.00
Bond Counsel	20,000.00	20,000.00	0.00
Land & ROW (Easement Acquisition)	5,000.00	5,000.00	0.00
Administration	5,000.00	5,000.00	0.00
Advertisements & Permits	6,500.00	6,500.00	0.00
Interest	50,169.00	50,169.00	0.00
Project Contingency	<u>235,176.00</u>	<u>0.00</u>	<u>235,176.00</u>
TOTAL PROJECT BUDGET	\$3,055,000.00	\$2,609,330.41	\$445,669.59
PROJECT COST TO DATE		\$2,609,330.41	
BALANCE AVAILABLE			\$445,669.59



BID TABULATION

PROJECT OWNER: BERTIE COUNTY WATER DISTRICT III
 PROJECT DESCRIPTION: WATER SYSTEM IMPROVEMENTS
 BID OPENING DATE: JUNE 30, 2016 @ 2:00 P.M.
 ENGINEER: GREEN ENGINEERING, P.L.L.C

PART A - SOUTH WINDSOR AREA

Item	Quantity	Description	Herring-Rivenbark		T.A. Loving Co.		Hatchell Concrete		Ralph Hodge Constr.	
			Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost
1	1.0	AC Clearing and Grubbing	18,000.00	18,000.00	10,000.00	10,000.00	7,500.00	7,500.00	5,500.00	5,500.00
2	9,400.0	LF 8" Dia. PVC Water Main	9.95	93,530.00	14.00	131,600.00	15.00	141,000.00	19.25	180,950.00
3	310.0	LF 8" Dia. DIP Water Main	27.00	8,370.00	45.00	13,950.00	31.50	9,765.00	38.50	11,935.00
4	300.0	LF 8" I.D. HDPE Directional Bore	50.00	15,000.00	65.00	19,500.00	66.50	19,950.00	77.00	23,100.00
5	6,240.0	LF 6" Dia. PVC Water Main	7.65	47,736.00	11.50	71,760.00	14.00	87,360.00	17.00	106,080.00
6	175.0	LF 6" Dia. Ductile Iron Pipe	30.00	5,250.00	30.00	5,250.00	23.00	4,025.00	33.00	5,775.00
7	135.0	LF 6" Dia. HDPE Directional Bore	45.00	6,075.00	50.00	6,750.00	63.50	8,572.50	66.00	8,910.00
8	150.0	LF 6" Dia. SDR 13.5 Directional Bore w/3" Dia. SDR 9 CTS Water Main	40.00	6,000.00	50.00	7,500.00	44.15	6,622.50	77.00	11,550.00
9	8,200.0	LF 2" Dia. PVC Water Main	4.85	39,770.00	8.00	65,600.00	3.00	24,600.00	8.80	72,160.00
10	600.0	LF 4" Dia. SDR 13.5 Directional Bore w/2" Dia. SDR 9 CTS Water Main	30.00	18,000.00	30.00	18,000.00	20.60	12,360.00	38.50	23,100.00
11	150.0	LF 8" PVC Dry Bore (Concrete & Asphalt Drwy.)	30.00	4,500.00	50.00	7,500.00	53.50	8,025.00	77.00	11,550.00
12	100.0	LF 6" PVC Dry Bore (Concrete & Asphalt Drwy.)	30.00	3,000.00	50.00	5,000.00	47.00	4,700.00	60.50	6,050.00
13	70.0	LF 2" PVC Dry Bore (Concrete & Asphalt Drwy.)	28.00	1,960.00	25.00	1,750.00	20.00	1,400.00	50.00	3,500.00
14	24,500.0	LF Pipeline Clean-up, Seeding & Testing	0.85	20,825.00	0.75	18,375.00	3.65	89,425.00	1.65	40,425.00
15	1.0	EA 8" x 6" Tapping Sleeve and Valve	2,600.00	2,600.00	4,000.00	4,000.00	6,863.00	6,863.00	2,750.00	2,750.00
16	11.0	EA 8" Gate Valve w/Box	1,100.00	12,100.00	1,600.00	17,600.00	1,700.00	18,700.00	1,320.00	14,520.00
17	12.0	EA 6" Gate Valve w/Box	750.00	9,000.00	1,200.00	14,400.00	1,300.00	15,600.00	935.00	11,220.00
18	1.0	EA 3" Gate Valve w/Box	590.00	590.00	875.00	875.00	900.00	900.00	770.00	770.00
19	15.0	EA 2" Gate Valve w/Box	500.00	7,500.00	950.00	14,250.00	800.00	12,000.00	715.00	10,725.00
20	7.0	EA Fire Hydrant	2,860.00	20,020.00	3,500.00	24,500.00	2,660.00	18,620.00	2,640.00	18,480.00
21	3,500.0	LBS Compact Fittings	5.00	17,500.00	5.35	18,725.00	10.50	36,750.00	7.15	25,025.00
22	180.0	LF 16" Steel Casing (Bore & Jack)	140.00	25,200.00	185.00	33,300.00	195.00	35,100.00	220.00	39,600.00
23	60.0	LF 4" SDR 21 PVC Casing (Bore & Jack)	30.00	1,800.00	50.00	3,000.00	42.00	2,520.00	88.00	5,280.00
24	16.0	EA Blow Off	900.00	14,400.00	1,200.00	19,200.00	1,000.00	16,000.00	935.00	14,960.00
25	150.0	EA 3/4" Water Service Reconnect Including saddle, corporation stop, 3/4" angle stop, dual check, polymer meter box and installation of meter/transmitter (Meter/Transmitter furnished by Bertie County)	475.00	71,250.00	715.00	107,250.00	400.00	60,000.00	412.50	61,875.00
26	55.0	EA 1" Water Service Reconnect Including saddle, corporation stop, 1" x 3/4" angle stop, dual check, polymer meter box and installation of meter/transmitter (Meter/Transmitter furnished by Bertie County)	510.00	28,050.00	750.00	41,250.00	465.00	25,575.00	550.00	30,250.00
27	11.0	EA 1" Water Service Reconnect Including saddle, corporation stop, 1" angle stop, dual check, polymer meter box and installation of meter/transmitter (Meter/Transmitter furnished by Bertie County)	565.00	6,215.00	850.00	9,350.00	590.00	6,490.00	635.00	6,985.00
28	1.0	EA 2" Water Service Reconnect Including saddle, corporation stop, 2" angle stop, dual check, polymer meter box and installation of meter/transmitter (Meter/Transmitter furnished by Bertie County)	2,650.00	2,650.00	3,500.00	3,500.00	2,632.00	2,632.00	3,630.00	3,630.00
29	3,000.0	LF 3/4" Service Tubing (Open Cut)	1.25	3,750.00	0.50	1,500.00	2.00	6,000.00	1.65	4,950.00
30	1,500.0	LF 3/4" Service Tubing Encased in 1-1/2" SDR 21 PVC Casing (Bored)	3.00	4,500.00	1.00	1,500.00	9.00	13,500.00	13.20	19,800.00
31	170.0	LF 1" Service Tubing (Open Cut)	1.45	246.50	0.50	85.00	2.20	374.00	5.50	935.00
32	110.0	LF 1" Service Tubing Encased in 2" SDR 21 PVC Casing (Bored)	8.00	880.00	1.50	165.00	10.00	1,100.00	22.00	2,420.00

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PART A - SOUTH WINDSOR AREA

Item	Quantity	Description	Herring-Rivenbark		T.A. Loving Co.		Hatchell Concrete		Ralph Hodge Constr.	
			Unit	Total	Unit	Total	Unit	Total	Unit	Total
			Price	Cost	Price	Cost	Price	Cost	Price	Cost
33	6,700.0	LF 1" Service Tubing Encased w/2" HDPE Casing Directional Bored	15.00	100,500.00	20.00	134,000.00	10.00	67,000.00	17.60	117,920.00
34	6,100.0	LF 6" Dia. Water Main Abandonment	9.00	54,900.00	4.00	24,400.00	3.50	21,350.00	5.50	33,550.00
35	50.0	TONS Stone Bedding	10.00	500.00	35.00	1,750.00	45.00	2,250.00	55.00	2,750.00
36	60.0	CY Select Backfill (In & Out)	15.00	900.00	20.00	1,200.00	35.00	2,100.00	11.00	660.00
37	600.0	LF Silt Fence	3.00	1,800.00	3.00	1,800.00	3.50	2,100.00	3.30	1,980.00
38	50.0	EA Silt Wattle Check Dam	50.00	2,500.00	100.00	5,000.00	250.00	12,500.00	82.50	4,125.00
39	200.0	SY Temporary Ditch Liner	4.00	800.00	3.75	750.00	3.50	700.00	5.50	1,100.00
40	500.0	TONS CABC Stone	25.00	12,500.00	22.50	11,250.00	50.00	25,000.00	33.00	16,500.00
41	50.0	SY Class I Rip Rap	60.00	3,000.00	45.00	2,250.00	200.00	10,000.00	82.50	4,125.00
42	50.0	SY Asphalt Roadway (Remove & Replace)	65.00	3,250.00	175.00	8,750.00	225.00	11,250.00	82.50	4,125.00
43	1.0	EA USDA - Rural Development Project Sign	350.00	<u>350.00</u>	750.00	<u>750.00</u>	1,200.00	1,200.00	550.00	<u>550.00</u>
TOTAL CONSTRUCTION - PART A				\$697,267.50		\$888,885.00		\$859,479.00		\$972,145.00

PART B - WOODARD ROAD

Item	Quantity	Description	Herring-Rivenbark		T.A. Loving Co.		Hatchell Concrete		Ralph Hodge Constr.	
			Unit	Total	Unit	Total	Unit	Total	Unit	Total
			Price	Cost	Price	Cost	Price	Cost	Price	Cost
1	26,500.0	LF 6" Dia. PVC Water Main	8.65	229,225.00	9.15	242,475.00	11.00	291,500.00	10.00	265,000.00
2	220.0	LF 6" Dia. Ductile Iron Pipe	30.00	6,600.00	30.00	6,600.00	23.00	5,060.00	27.50	6,050.00
3	1,200.0	LF 6" Dia. HDPE Directional Bore	37.00	44,400.00	50.00	60,000.00	55.00	66,000.00	60.50	72,600.00
4	100.0	LF 6" Dia. Ductile Iron (Dry Bore)	43.00	4,300.00	50.00	5,000.00	60.00	6,000.00	110.00	11,000.00
5	80.0	LF 6" PVC Dry Bore (Concrete & Asphalt Drwy.)	30.00	2,400.00	50.00	4,000.00	50.00	4,000.00	60.50	4,840.00
6	26,720.0	LF Pipeline Clean-up, Seeding & Testing	0.85	22,712.00	0.75	20,040.00	3.65	97,528.00	1.65	44,088.00
7	22.0	EA 6" Gate Valve w/Box	750.00	16,500.00	1,100.00	24,200.00	1,300.00	28,600.00	935.00	20,570.00
8	9.0	EA Fire Hydrant	2,860.00	25,740.00	3,000.00	27,000.00	2,660.00	23,940.00	2,640.00	23,760.00
9	1,700.0	LBS Compact Fittings	5.00	8,500.00	5.35	9,095.00	10.50	17,850.00	7.15	12,155.00
10	101.0	EA 3/4" Water Meter Replacement Including Replacement of Existing Cast Iron Meter Box Lid w/Polymer Plastic Lid and installation of Meter/Transmitter (Meter/Transmitter furnished by Bertie County)	58.65	5,923.65	65.00	6,565.00	275.00	27,775.00	70.00	7,070.00
11	50.0	EA 3/4" Water Meter Replacement including installation of Meter/Transmitter (Meter/Transmitter furnished by Bertie County)	33.60	1,680.00	35.00	1,750.00	255.00	12,750.00	38.50	1,925.00
12	75.0	TONS Stone Bedding	10.00	750.00	35.00	2,625.00	45.00	3,375.00	55.00	4,125.00
13	100.0	CY Select Backfill (In & Out)	15.00	1,500.00	20.00	2,000.00	35.00	3,500.00	11.00	1,100.00
14	650.0	LF Silt Fence	3.00	1,950.00	3.00	1,950.00	3.50	2,275.00	3.30	2,145.00
15	60.0	EA Silt Wattle Check Dam	50.00	3,000.00	100.00	6,000.00	250.00	15,000.00	82.50	4,950.00
16	250.0	SY Temporary Ditch Liner	4.00	1,000.00	3.75	937.50	3.50	875.00	5.50	1,375.00
17	80.0	TONS CABC Stone	25.00	2,000.00	22.50	1,800.00	50.00	4,000.00	33.00	2,640.00
18	50.0	TONS Class I Rip Rap	60.00	3,000.00	60.00	3,000.00	65.00	3,250.00	82.50	4,125.00
19	1.0	EA USDA - Rural Development Project Sign	350.00	<u>350.00</u>	750.00	<u>750.00</u>	1,200.00	1,200.00	550.00	<u>550.00</u>
TOTAL CONSTRUCTION - PART B				\$381,530.65		\$425,787.50		\$614,478.00		\$490,068.00

PART C - WATER METER REPLACEMENT

Item	Quantity	Description	Herring-Rivenbark		T.A. Loving Co.		Hatchell Concrete		Ralph Hodge Constr.	
			Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost
1	1,470.0	EA 3/4" Water Meter Replacement Including and Replacement of Existing Cast Iron Meter Box Lid w/Polymer Plastic Lid and installation of Meter/Transmitter (Meter/Transmitter furnished by Bertie County)	58.65	86,215.50	65.00	95,550.00	90.00	132,300.00	60.50	88,935.00
2	300.0	EA 3/4" Water Meter Replacement Including installation of Meter/Transmitter (Meter/Transmitter furnished by Bertie County)	33.60	10,080.00	35.00	10,500.00	30.50	9,150.00	38.50	11,550.00
3	7.0	EA 1" Water Meter Replacement Including Replacement of Existing Cast Iron Meter Box Lid w/Polymer Plastic Lid and installation of Meter/Transmitter (Meter/Transmitter furnished by Bertie County)	62.25	435.75	75.00	525.00	95.00	665.00	90.00	630.00
4	5.0	EA 1" Water Meter Replacement Including installation of Meter/Transmitter (Meter/Transmitter furnished by Bertie County)	42.00	210.00	45.00	225.00	55.00	275.00	55.00	275.00
5	12.0	EA Install 2" Hole in Existing 2" Cast Iron Meter Box Lids Including the Installation of Pit Lid Adaptor to Receive Meter/Transmitter Labor Only (Adaptor/Meter/Transmitter furnished by Bertie County)	42.00	504.00	40.00	480.00	125.00	1,500.00	165.00	1,980.00
TOTAL CONSTRUCTION - PART C				\$97,445.25		\$107,280.00		\$143,890.00		\$103,370.00

PART D - ALTITUDE VALVE, WELL HOUSES AND CONTROL BUILDING IMPROVEMENTS

<u>Item</u>	<u>Description</u>	<u>Herring-Rivenbark</u>	<u>T.A. Loving Co.</u>	<u>Hatchell Concrete</u>	<u>Ralph Hodge Constr.</u>
		Total Cost	Total Cost	Total Cost	Total Cost
1	LS Altitude Valve and Check Valve Installation Including and Testing at Tank #1 as shown on the Drawings and/or Included in the Project Specifications for the Lump Sum Price of:	60,752.00	70,000.00	105,000.00	83,600.00
2	<u>Control Building</u> : LS Demolition and Replacement of Existing Roof and Door with Hardware at Tank # 1 Control Building as shown on the Drawings and/or Included in the Project Specifications for the Lump Sum Price of:	17,253.00	10,000.00	14,600.00	19,250.00
3	<u>Well House #1: - Mardre Road, Windsor, NC</u> : LS Demolition and Replacement of Existing Roof and Doors with Hardware, new 5/8" x 3/4" Positive Displacement Water Meter with 4-20mA Output, chlorine analyzer, submersible well level transducer, propeller and register assembly installed in existing flow tube and misc. plumbing as shown on the Drawings and /or Included in the Project Specifications for the Lump Sum Price of:	57,402.00	40,000.00	29,210.00	60,500.00
4	<u>Well House #2: - 424 Grabtown Road, Windsor, NC</u> : LS Demolition and Replacement of Existing Roof and Doors with Hardware, new 5/8" x 3/4" Positive Displacement Water Meter with 4-20 mA Output, chlorine analyzer, submersible well level transducer, propeller and register assembly installed in existing flow meter and misc. plumbing as shown on the Drawings and/or Included in the Project Specifications for the Lump Sum Price of:	57,402.00	40,000.00	28,210.00	61,600.00
TOTAL CONSTRUCTION - PART D		\$192,809.00	\$160,000.00	\$177,020.00	\$224,950.00

PART E - ELECTRICAL IMPROVEMENTS

<u>Item</u>	<u>Description</u>	<u>Herring-Rivenbark</u>	<u>T.A. Loving Co.</u>	<u>Hatchell Concrete</u>	<u>Ralph Hodge Constr.</u>
		<u>Total Cost</u>	<u>Total Cost</u>	<u>Total Cost</u>	<u>Total Cost</u>
1	<u>Well House # 1: - 149 Martre Road, Windsor, NC</u> LS Provide all Labor, Equipment and Material to replace existing motor starter as shown on the Drawings and/or Included in the Project Specifications for the Lump Sum Price of:	15,911.00	15,000.00	15,050.00	20,750.00
2	<u>Well House # 2: - 424 Grabtown Road, Windsor, NC</u> LS Provide all Labor, Equipment and Material to replace existing motor starter as shown on the Drawings and/or Included in the Project Specifications for the Lump Sum Price of:	15,911.00	15,000.00	15,050.00	20,750.00
3	1.0 EA USDA - Rural Development Project Sign	350.00	750.00	1,200.00	550.00
TOTAL CONSTRUCTION - PART E		32,172.00	30,750.00	31,300.00	42,050.00

PART F - SCADA IMPROVEMENTS

<u>Item</u>	<u>Description</u>	<u>Herring-Rivenbark</u>	<u>T.A. Loving Co.</u>	<u>Hatchell Concrete</u>	<u>Ralph Hodge Constr.</u>
		<u>Total Cost</u>	<u>Total Cost</u>	<u>Total Cost</u>	<u>Total Cost</u>
1	<p><u>County Office Building: - 109 Dundee St. Windsor, NC</u> LS Provide all labor, equipment, material, and path studies to install a Primary SCADA Server with one work station monitors, one (1) remote terminal unit, one (1) 60 ft. steel self supporting antenna tower with coax, software, training, UPS, associated electrical modifications required to power and interconnect all peripheral equipment, connect master server to County fiber network, startup and the demolition of existing telemetry controls as shown on the Drawings and/or Included in the Project Specifications for the Lump Sum Price of:</p>	63,800.00	325,000.00	155,400.00	159,500.00
2	<p><u>Operations Building: - 207 County Farm Rd. Windsor, NC</u> LS Provide all labor, equipment, material, and path studies to install a Secondary Control SCADA Server with work station and monitors, one remote terminal unit, one 55 ft. wooden self supporting antenna pole with coax, software, training, associated electrical modifications required to power and interconnect all peripheral equipment, UPS, connect secondary computer server to County fiber network, startup and the demolition of existing telemetry controls as shown on the Drawings and/or Included in the Project Specifications for the Lump Sum Price of:</p>	56,500.00	35,000.00	27,500.00	40,000.00
3	<p><u>Well House # 1: - 149 Mardre Rd. Windsor, NC</u> LS Provide all labor, equipment, material, and path studies to install a SCADA remote terminal unit that will communicate with central primary and secondary computer servers, one 55 ft. wooden self supporting antenna pole with coax, software, training, associated electrical modifications required to power and interconnect all peripheral equipment provided by Part D - Altitude Valve, Well Houses and Control Building Improvements (chlorine analyzer, water supply meter to analyzer, submersible static level water pressure sensor, well head production meter), and the demolition of existing telemetry system as shown on the Drawings and/or Included in the Project Specifications for the Lump Sum Price of:</p>	56,500.00	30,000.00	37,400.00	32,000.00
4	<p><u>Well House # 2: - 424 Grabtown Rd. Windsor, NC</u> LS Provide all labor, equipment, material, and path studies to install a SCADA remote terminal unit that will communicate with central primary and secondary computer servers, one 55ft. Wooden self supporting antenna pole with coax, software, training, associated electrical modifications required to power and interconnect all peripheral equipment provided by Part D - Altitude Valve, Well Houses and Control Building Improvements (chlorine analyzer, water supply meter to analyzer, submersible static level water pressure sensor, well head production meter), and the demolition of existing telemetry system as shown on the Drawings and/or Included in the Project Specifications for the Lump Sum Price of:</p>	56,500.00	30,000.00	37,400.00	32,000.00

PART F - SCADA IMPROVEMENTS

Item	Description	<u>Herring-Rivenbark</u>	<u>T.A. Loving Co.</u>	<u>Hatchell Concrete</u>	<u>Ralph Hodge Constr.</u>
		Total Cost	Total Cost	Total Cost	Total Cost
5	<u>Elevated Water Tank - 217 Mardre Rd, Windsor, NC</u> LS Provide all labor, equipment, material, and path studies to install a SCADA remote terminal unit that will communicate with central primary server and secondary computer servers, one magnetic antenna assembly, coax, software, training, associated electrical modifications required to power and interconnect all peripheral equipment and instruments provided in Part D - Altitude Valve, Well Houses and Control Building Improvements, altitude valve limit switch, altitude valve dual solenoids, altitude valve pressure transducer, altitude valve sump pump, and hotbox power supply, and the demolition of existing telemetry system as shown on the Drawings and/or Included in the Project Specifications for the Lump Sum Price of:	55,000.00	32,500.00	\$37,400.00	30,150.00
TOTAL CONSTRUCTION - PART F		\$288,300.00	\$452,500.00	\$295,100.00	\$293,650.00
TOTAL CONSTRUCTION - PARTS A - F		\$1,689,524.40	\$2,065,202.50	\$2,121,267.00	\$2,126,233.00

ALTERNATE NO. 1: WELL HOUSE #2 STANDBY GENERATOR

Description	<u>Herring-Rivenbark</u>	<u>T.A. Loving Co.</u>	<u>Hatchell Concrete</u>	<u>Ralph Hodge Constr.</u>
	Total Cost	Total Cost	Total Cost	Total Cost
LS Provide all Labor, Equipment and Material to install the complete standby generator as shown on the Drawings and/or Included in the Project Specifications for the Lump Sum Price of:	68,721.00	64,000.00	65,850.00	79,800.00
TOTAL CONSTRUCTION - PART F <u>WITH ALTERNATE</u>	\$357,021.00	\$516,500.00	\$360,950.00	\$373,450.00
TOTAL CONSTRUCTION - PARTS A - F <u>WITH ALTERNATE</u>	\$1,758,245.40	\$2,129,202.50	\$2,187,117.00	\$2,206,033.00

I, E. LEO GREEN, P.E., HEREBY CERTIFY THAT THIS BID TABULATION IS A TRUE AND CORRECT REPRESENTATION OF THE BIDS RECEIVED FOR THIS PROJECT ACCORDING TO THE BEST OF MY KNOWLEDGE AND BELIEF.

E. LEO GREEN, P.E.  NC Firm License No. P-0115

**Bertie County
Project Ordinance - Water District III
USDA Rural Development Grant
August 2015**

BE IT ORDAINED by the Governing Board of the County of Bertie, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

- Section I. The Governing Board of the County of Bertie, sitting as the Board of Commissioners for Water District III unanimously accepted and approved the "Letter of Conditions" presented by the U.S. Department of Agriculture Rural Development on July 20, 2015.
- Section II. The project description includes water distribution line replacement, SCADA improvements, the Woodard Road water main, and water meter replacement for customers in Water District III.
- Section III. These improvements are consistent with the capital improvement plan for Bertie County's regional water system consisting of Water Districts I, II, III, and IV; and

BE IT RESOLVED, that the Chairman and County Manager are directed to execute financing documents for USDA Rural Development and NC Local Government Commission application materials associated with this project, including interim financing during construction;

The following revenue is anticipated to be available to complete this project:

Water District III (local)	\$264,000
Appropriated fund balance	
USDA Rural Development Loan	\$1,717,000
USDA Rural Development Grant	\$1,074,000
<hr/>	
Total Project Funding	\$3,055,000


The following amounts are appropriated for the project:


Construction	\$2,351,755
Engineering Fees	371,400
Legal Fees (local)	10,000
Bond Counsel	20,000
Easement Acquisition	5,000
Administration	5,000
Advertisement & Permits	6,500
Interest	50,169
Project Contingency	235,176
<hr/>	
Total Project Cost	\$3,055,000

The County Manager and Finance Officer are directed to include a detailed analysis of past and future costs and revenues on this project annually.

Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Body, and to the County Manager and to the Finance Officer for direction in carrying out this project.

Adopted this day 3rd day of August, 2015.


Ronald D. Wesson, Chairman
Board of Commissioners for Water District III


Sarah S. Tinkham, Clerk to the Board

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.


Finance Officer

COMMISSIONER'S REPORTS

Commissioner White gave no remarks at this time.

Commissioner Lee reported that she and Vice Chairman Bazemore were in attendance at the Secretary of Commerce Seminar in Williamston recently, and she notified the board that grant money was being sought for a building in Colerain for a permanent food pantry.

Vice Chairman Bazemore gave no remarks at this time.

Commissioner Wesson stated that Mr. Biggs and the Mid-East Commission were currently working to receive additional grant funding for another local business interested in expansion and job creation.

Also, Commissioner Wesson announced that he and Vice Chairman Bazemore had been selected to participate in the 2016 Advanced Leadership Corps through the NC School of Government. Lastly, he mentioned that he would be receiving a special recognition from the NCACC at an upcoming State meeting for his involvement in the creation of a new strategic plan. He stated that he had enjoyed serving on that committee and that he handles all incurred costs personally.

COUNTY MANAGER'S REPORTS

County Manager Sauer gave no remarks at this time.

COUNTY ATTORNEY'S REPORTS

County Attorney Smith gave no remarks at this time.

PUBLIC COMMENTS

There were no public comments.

ADJOURN

Chairman Trent adjourned the meeting at 4:30PM.

John Trent, Chairman

Sarah S. Tinkham, Clerk to the Board



Bertie County

Board of Commissioners

ITEM ABSTRACT

MEETING DATE: August 1, 2016

AGENDA ITEM: C-2

DEPARTMENT: Governing Body

SUBJECT: Approve minutes for Work Session 7-14-16

COUNTY MANAGER RECOMMENDATION OR COMMENTS: Recommend approval.

SUMMARY OF AGENDA ITEM AND/OR NEEDED ACTION(S): Recommend approval.

ATTACHMENTS: Yes

LEGAL REVIEW PENDING: N/A

ITEM HISTORY: ---

Windsor, North Carolina
July 14, 2016
Work Session

The Bertie County Board of Commissioners reconvened from their regularly scheduled meeting on July 5th at the Roanoke-Cashie River Center located at 112 West Water Street in Windsor. 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
 Assistant County Attorney Lloyd “Clifton” Smith, III.
 Finance Officer William Roberson
 Economic Development Director Steve Biggs

Leslie Beachboard of the Bertie Ledger-Advance was present from the media.

RECONVENE

Chairman Trent reconvened the meeting from Monday, July 5th. The Board recessed the July 5th meeting in order to reconvene today for a work session.

INVOCATION

Commissioner Wesson led the Invocation.

SPRINGSTED – COMPENSATION AND CLASSIFICATION STUDY

Joel Davis of Springsted, Inc. was present to provide a summary presentation of the results accumulated from the recent County compensation and classification study.

Mr. Davis highlighted various areas for improvement, as well as noted areas where the County is offering average or above average benefits and competitive salaries to employees.

There was some discussion of options, review of benchmarking jurisdictions, and recommendations for the County to consider in upcoming work sessions.

Additionally, the Board reviewed estimated implementation costs and a potential multi-phase schedule with priority for the Sheriff's Office and DSS.

County Manager Sauer assured the Board that no action was needed today, but that this was the formal presentation of the study's findings, and that multiple work sessions would most likely be needed in order to determine any appropriate action.

At this time, Chairman Trent thanked Mr. Davis for his presentation, and acknowledged Heritage Collegiate Leadership Academy Founder and Executive Director, Dr. Kashi B. Hall, as well as her fellow colleagues. Dr. Hall had requested to briefly speak with the Board regarding the County's decision to deny direct funding to HCLA.

The Board obliged with a 10 minute time limit.

Commissioner Wesson made a **MOTION** to amend the agenda to allow 10 minutes be given to HCLA to address the Board. Commissioner White **SECONDED** the motion. The **MOTION PASSED** unanimously.

**HERITAGE COLLEGIATE LEADERSHIP ACADEMY (HCLA) –
DR. KASHI B. HALL, FOUNDER AND EXECUTIVE DIRECTOR**

Dr. Hall thanked the Board for the opportunity to speak briefly at today's work session.

Dr. Hall made the accusation that the Board had changed their agenda for today's meeting to disallow public comments in order to deny her voice of being heard. She made the claim that an agenda was posted on the County's website that originally included a public comments section, further, she made an additional claim that the agenda in question was pulled in light of HCLA's denial for direct funding from the County.

Additionally, she accused the Board of canceling their previously scheduled meeting on July 18th to also disallow her from being heard during the public comment section.

Note of clarification: Publicly accessible minutes from the Board's regular meeting on Monday, June 20th show that the Board amended their meeting schedule for the month of July due to various scheduling conflicts for both Commissioners and pertinent County staff.

As such, the Board decided to cancel its meeting for Monday, July 18th. Plans were made shortly after to meet for today's work session. The Board's regular meeting schedule is due to resume on August 1st.

Chairman Trent stated that the Board relies heavily on the County Attorney's office when necessary to determine if all decisions made on the local level are statutorily sound. He continued by stating that at this time, there was no statute that gave clear authority to the governing body to directly fund a charter school.

He assured Dr. Hall that, when and if a state law permits direct funding of a charter school, that the Board would be receptive and open to revisiting this discussion.

Commissioner Wesson continued by stating that the Board is very supportive of the initiative Dr. Hall has undertaken to support HCLA, and that if new legislation is adopted by the State legislators, the County's budget can be amended later.

Vice Chairman Bazemore suggested that the Board of Directors for HCLA, Board of Education, and the Board of Commissioners should work towards hosting a joint meeting to discuss this issue, as well as other penitent issues to ensure that well rounded options for education are available to Bertie County children.

Dr. Hall thanked the Board for the opportunity to speak and for the additional clarification.

OPEB RETIREE HEALTH INSURANCE --- ACTUARIAL STUDY PENDING

On another note, County Manager Sauer presented a proposal from Cavannaugh McDonald Consulting, LLC., and requested a motion in favor of the County moving forward with an actuarial study to examine OPEB retiree health insurance benefits.

Commissioner Wesson made a **MOTION** for the County to move forward with the actuarial study for the cost of \$12,000. A budget amendment will be submitted at a later date showing this change. Commissioner White **SECONDED** the motion. The **MOTION PASSED** 4-1 with Commissioner Lee voting against.

CONSIDER REINSTATEMENT OF A COUNTY 457 PROGRAM

County Manager Sauer reported that the County's 457 deferred compensation program was dropped as a voluntary benefit option several years ago.

After a brief discussion, the Board agreed that the deferred compensation program would be a great benefit to employees, and that reinstating it was a desirable option.

Commissioner White made a **MOTION** to reinstate a County 457 program for deferred compensation. Commissioner Lee **SECONDED** the motion. The **MOTION PASSED** unanimously.

PLAQUE FOR SPECIAL RECOGNITION

County Manager Sauer requested discussion regarding a plaque for special recognition for a Bertie County native.

After some discussion, Mr. Sauer called for a 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.

CLOSED SESSION

The Board shifts into Closed Session.

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

AMBULANCE REPLACEMENT PROPOSAL – FINANCING OPTIONS WITH USDA RURAL DEVELOPMENT

Kim Miller, Area Specialist from USDA, was present to enlighten the Board on various loan options for financing ambulance replacements, as well as loans to secure additional resources for the County's local fire departments.

In addition, the County Manager suggested that a long term vehicle replacement policy should also go hand in hand with these loan efforts especially as it relates to capital made for fire departments.

The Board then reviewed the current list of the Emergency Medical Services fleet and asked questions as necessary.

Four ambulance vehicles are being recommended for replacement based on maintenance costs, mileage, and reliability.

After some additional discussion about including fire departments in a "county wide financial plan" with the USDA, Commissioner Wesson made a **MOTION** to move forward with the initial phase of financing for replacement of ambulances allowing Ms. Miller to bring forth specific recommendations on August 1st. Commissioner White **SECONDED** the motion. The **MOTION PASSED** unanimously.

**COUNTY ATTORNEY REVIEW OF PROPOSED ROAD ACCESS SAFETY
ORDINANCE**

Assistant County Attorney, Lloyd “Clifton” Smith, III was present to answer questions regarding the current draft of the Road Access Safety Ordinance.

County Manager Sauer requested suggestions on how to make the ordinance more enforceable.

Commissioner Lee presented concerns with the legality of the ordinance based on current State statutes.

The Board agreed to continuously review this item until it was deemed ready for adoption.

**VOTING DELEGATE – 2016 NCACC ANNUAL CONFERENCE –
WINSTON-SALEM, NC – AUGUST 11TH THRU 14TH, 2016**

The Board cleared the air about some confusion regarding the voting delegate for this conference and the 2016 NACo Annual Conference in California.

After some discussion, Commissioner Wesson made a **MOTION** for Chairman Trent to represent Bertie County as the voting delegate in Winston-Salem at the 2016 NCACC Annual Conference. Commissioner Lee **SECONDED** the motion. The **MOTION PASSED** unanimously.

TAX OFFICE COLLECTIONS AND FORECLOSURES

County Manager Sauer distributed a report of all delinquent tax accounts which are in the foreclosure process being handled by the County Attorney.

Sixty-five accounts totaling \$191,832.18 are pending, plus legal expenses to be paid by the account holder.

The foreclosures list reads as follows:

FORECLOSURE ACCOUNTS
AS OF JUNE 29, 2016

ACCOUNT #	ACCOUNT NAME	CODE	CODE BEGIN DATE	AMOUNT DUE W/ INTEREST	YEARS OWED
364	Austin, Donald Ray	Foreclosure	4/4/2015	\$259.84	3
25930	Bazemore Housing	Foreclosure	5/13/2016	\$30,857.98	3
880	Bazemore, Timothy, Sr.	Foreclosure	5/13/2016	\$336.63	1
29208	Bazemore, Timothy, Sr./Jonathan Speller	Foreclosure	5/13/2016	\$1,150.13	5
26064	Burke, Cola, Jr.	Foreclosure	9/29/2015	\$146.39	1
2397	Carter, Henry, Heirs	Foreclosure	12/16/2004	\$389.04	13
2405	Carter, Lewis, Heirs	Foreclosure	11/19/2009	\$306.59	3
2712	Cherry, Essie, Heirs	Foreclosure	6/13/2016	\$316.51	4
21667	Cherry, Lincoln	Foreclosure	7/27/2010	\$416.88	9
19995	Cooper, Margaret	Foreclosure	6/22/2011	\$571.27	8
7604	Eley, Viola King	Foreclosure	11/29/2012	\$429.57	2
4532	Felton, Jeffery Thomas	Foreclosure	4/16/2015	\$779.76	1
27927	Foreman, Carl Gary	Foreclosure	6/10/2016	\$2,904.76	2
4623	Foster, Maggie Joyner	Foreclosure	11/17/2009	\$193.80	1
28682	Freeman, Julius	Foreclosure	6/10/2016	\$1,706.05	3
29546	Gibbs, Shelia C.	Foreclosure	6/15/2016	\$1,006.79	3
5225	Gregory Manufacturing Company	Foreclosure	1/24/2011	\$27,449.15	7
6117	Hoggard, Louise L.	Foreclosure	4/5/2016	\$2,281.03	3
6268	Hoggard, William Henry	Foreclosure	4/8/2008	\$840.00	4
30263	JENESIA1, Inc. + Kervin Spivey	Foreclosure	10/5/2015	\$6,264.32	2
7488	Joyner, Cleomines	Foreclosure	10/6/2009	\$416.85	1
8417	Mcgee, Mary Hymen	Foreclosure	6/17/2016	\$1,355.23	4
25078	Murray, Pamela	Foreclosure	8/20/2012	\$257.62	13
9601	Outlaw, Martha	Foreclosure	7/10/2001	\$465.03	6
10306	Phillips, Anderson M, Heris	Foreclosure	6/10/2011	\$5,279.93	9
18642	Powell, Linwood Earl	Foreclosure	5/22/2015	\$3,627.93	4
22063	Pugh, Adolph	Foreclosure	3/16/2016	\$777.25	1
15975	Pugh, Richard S. + Carol	Foreclosure	3/16/2016	\$12,795.75	5
27967	Pugh, Richard, Jr.	Foreclosure	3/16/2016	\$379.50	4
22982	Rascoe, Barry	Foreclosure	11/18/2015	\$795.32	3

20385	Riddick, Novella, Heirs	Foreclosure	3/9/2016	\$217.04	5
11163	Riddick, St. Mark, Heirs	Foreclosure	6/22/2011	\$1,229.57	10
22525	Sanderlin, Jomell	Foreclosure	6/1/2016	\$809.78	11
11995	Smallwood, Willie L. Heirs	Foreclosure	12/15/2003	\$1,444.03	13
31023	Spivey, Kevin	Foreclosure	10/5/2015	\$14,257.71	3
12556	Stocks, Roy Alton, jr. Estate	Foreclosure	6/11/2012	\$17,916.22	4
25169	Stocks, Roy Alton, jr. Estate	Foreclosure	6/11/2012	\$171.22	2
12557	Stocks, Roy Alton, jr. Estate	Foreclosure	6/11/2012	\$1,775.06	2
25123	Sutton, Gail	Foreclosure	7/1/2015	\$3,248.39	5
22633	Tayloe, Mary	Foreclosure	6/6/2012	\$3,620.68	6
26244	Tayloe, Mary	Foreclosure	2/10/2016	\$2,291.77	5
30495	Kirkland, Stephen	Foreclosure	6/6/2012	\$2,374.31	4
27997	Thompson, Lillie Mae	Foreclosure	5/4/2011	\$694.60	2
13238	Unkown, John	Foreclosure	7/10/2001	\$220.49	6
13662	Watford, Eddie N., Heirs	Foreclosure	3/8/2011	\$1,585.88	3
22383	Watford, Michael Wayne	Foreclosure	6/8/2016	\$251.59	6
13816	Watson, Catherine P., Heirs	Foreclosure	7/20/2015	\$3,538.60	6
27818	Moore, Willie	Foreclosure	5/11/2010	\$1,390.17	5
29858	Outlaw, David	Foreclosure	7/10/2001	\$160.14	5
13626	Watford, Arthur James, Sr.	Foreclosure	2/3/2003	\$6,412.17	12
TOTAL # OF FORECLOSURES: 49		TOTAL AMOUNT DUE FOR FORECLOSURES:		\$168,366.32	
FORECLOSURE ACCOUNTS WITH PAYMENT PLANS					
ACCOUNT #	ACCOUNT NAME	CODE	CODE BEGIN DATE	AMOUNT DUE WITH INTEREST	YEARS OWED
28257	Hoggard, Lewis, et al	Foreclosure	11/9/2012	\$438.74	9
26467	Hoggard, William Benjamin	Foreclosure	4/8/2008	\$5,281.62	12
21182	Pugh, Evelena	Foreclosure	2/8/2016	\$259.37	4
25814	Mosley, Deion	Foreclosure	3/10/2015	\$301.82	1
5131	Golden, Esther	Foreclosure	9/2/2015	\$823.93	3

29171	Hayes, Rodney	Payment Plan	1/20/2016			
		Foreclosure	3/10/2015		\$577.63	3
25440	Lassiter, Mary E.	Payment Plan	1/29/2016			
		Foreclosure	7/8/2015		\$1,659.00	7
8295	Dorothy Mack	Payment Plan	4/14/2016			
		foreclosure	1/24/2011		\$1,986.13	5
23350	Thompson, Alexander	Payment Plan	4/26/2013			
		foreclosure	7/1/2015		\$1,600.58	3
25607	Bond, Randal	Payment Plan	2/5/2016			
		Foreclosure	1/24/2011		\$1,398.38	6
24012	Taylor, George	Payment Plan	4/26/2013			
		Foreclosure	10/17/2012		\$1,536.11	3
25980	Lassiter, Dianna	Payment Plan	4/9/2015			
		Foreclosure	12/2/2014		\$666.73	3
11886	Smallwood, Emma, Heirs	Payment Plan	12/8/2014			
		Foreclosure	6/1/2006		\$1,190.13	2
2125	Burke, Arnold Raye	Payment Plan	10/30/2015			
		Foreclosure	11/10/2015		\$777.15	3
17816	Hoggard, Lewis C. III	Payment Plan	2/25/2016			
		Foreclosure	5/16/2014		\$1,609.54	3
14465	Whitehurst, Malinda	Payment Plan	2/8/2016			
		Foreclosure	5/18/2015		\$3,359.00	3
TOTAL # OF FORECLOSURES WITH PAYMENT PLANS: 16		Payment Plan	6/2/2016			
TOTAL # OF ALL FORECLOSURES: 65		TOTAL AMOUNT DUE			\$23,465.86	
TOTAL DUE OF ALL FORECLOSURES:					\$191,832.18	

ADMINISTRATION BUILDING LETTERING POSSIBILITIES & CALENDAR UPDATES

The Board reviewed several concepts for lettering to be used on the County Administration Building including the side facing Granville Street, and the opposite side facing Dundee Street.

County Manager Sauer stated that this is a preliminary discussion and that the Commissioners should consider walking around the building to better understand the options before an order for the lettering is placed.

The County Manager also reviewed the following calendar updates from the agenda:

- FY2016 – Year End Close Out – auditors arrive onsite August 22nd
- Water District III – LGC Financing approval set for September 6th
 - Application for LGC financing in progress
 - Construction to follow LGC approval
- TGOW – PARTF grant announcement August 25th; CAMA grant application in progress with Emily Miller and due August 15th;
- TGOW – master planning proposal from ECU at August 1th Board 4:00 p.m. meeting
- Trillium grant-- playground dedication August 1st at 10:00AM

County Manager Sauer also requested clarification about who should speak at the playground dedication on August 1st. The consensus was that Chairman Trent should give remarks at that event.

TRANSITION FROM COLONIAL PENN TO TRANSAMERICA – EMPLOYEE BENEFITS

Finance Officer, William Roberson, presented his proposed plan to address an item discovered that would affect the transition of County benefits from Colonial Penn to TransAmerica which occurred due to payment cycle changes.

LUNCH

The Board breaks for lunch from 12:30-1:30PM.

SHERIFF JOHN HOLLEY – WORK PLACE SECURITY AND ACTIVE SHOOTER TRAINING

The Board watched three (3) YouTube videos depicting active shooter situations.

The Board then welcomed Sheriff John Holley to the conversation to receive his recommendations on ways to ensure safety on all of the County's properties.

Sheriff Holley suggested that his staff perform a "threat assessment" which would allow deputies and the needed law enforcement personnel to visit each County building and note any weaknesses in exit plans, potential places for improvement regarding "safe" places, and ways to prepare employees for the unexpected.

It was also suggested that Sheriff Holley host a series of large classroom style meetings, similar to the ones conducted for employee health insurance benefits each year, so that staff has the opportunity to ask questions, and seek advice on how to handle the potential of workplace violence.

The Board concurred that disseminating these videos, and any other pertinent information, to all of County staff was extremely important, as at this time only Department Heads have viewed these videos.

County Manager Sauer also relayed concerns he had received from various County employees regarding additional safety measures that they would like to see be put in place.

There was a lengthy discussion regarding concealed carry weapons on County property, as well as other non-lethal weapons.

In addition, the County Attorney informed the Board that new signs banning concealed weapons could not be legally placed on the County entrances without having a corresponding ordinance in place banning concealed weapons.

After a lengthy discussion, Commissioner Lee made a **MOTION** to have the County Attorney draft a detailed ordinance which bans all weapons, lethal and non-lethal, on all County government properties. Commissioner Wesson **SECONDED** the motion. The **MOTION PASSED** unanimously.

Lastly, the Sheriff discussed the addition of a drone to the Bertie County Sheriff's Office. The drone can now be used to assist in the pursuit of suspects and for other law enforcement needs.

MIDDLE INCOME HOUSING INITIATIVE – SECU

Commissioner Wesson urges the Board to approve the action of creating a Letter of Intent for the NCSECU Foundation for the addition of middle income housing in Bertie County.

The Board concurred and stated that they would prefer to not name a specific location of the proposed housing at this time, but that the cause was important and worthwhile for teachers, State, and local government personal needing a place to live in Bertie.

Vice Chairman Bazemore made a **MOTION** to move forward with the submission of a Letter of Intent to the NCSECU Foundation for middle income housing support. Commissioner Wesson **SECONDED** the motion.

WRAP-UP

Commissioner Lee stated her continued support for a smoke-free policy on County properties.

County Manager Sauer reminded the Board that the transition was almost complete for water bills to no longer be mailed in a post card format. Instead, they will soon be mailed in a bill/envelope format with a return envelope included.

Vice Chairman Bazemore recommended that the Board consider putting a “liquor by the drink” vote to the voters via referendum as it could provide additional revenue to the County.

Stewart White reviewed various figures he received during his meetings with the local fire departments. In addition, he made a **MOTION** to increase each municipalities County contribution by \$10,000. For 12 fire departments, the grand total would be \$120,000. Commissioner Lee **SECONDED** the motion. The **MOTION PASSED** in a 3-2 vote with Commissioner Wesson and Vice Chairman Bazemore voting against.

A lengthy discussion ensued.

Commissioner Wesson stated his concerns for getting to the real root of the problem regarding funding for the local fire departments, and stated that he felt municipalities should be held accountable for some of the issues plaguing their respective departments.

Vice Chairman Bazemore presented similar sentiments, as well as presented the idea to provide additional funding only for fire departments outside of municipalities. She requested that the Board to wait on this decision until after new information is presented from Kim Miller at the USDA.

Commissioner White and Commissioner Lee were adamant that the local fire departments cannot afford to wait, and that an additional \$10,000 to assist in keeping the departments afloat is vital until a more permanent solution could be secured.

Vice Chairman Bazemore and Commissioner Wesson requested that the record show an objection to the motion, and they strongly urged the Board to consider putting a “fire tax to a voter referendum so that the citizens could decide.”

No additional action was taken.

ADJOURN

With all minds clear, Chairman Trent adjourned the meeting at 4:00PM.

John Trent, Chairman

Sarah S. Tinkham, Clerk to the Board



Bertie County

Board of Commissioners

ITEM ABSTRACT

MEETING DATE: August 1, 2016

AGENDA ITEM: C-3

DEPARTMENT: Governing Body

SUBJECT: Approve minutes for Closed Session 7-14-16

COUNTY MANAGER RECOMMENDATION OR COMMENTS: Recommend approval.

SUMMARY OF AGENDA ITEM AND/OR NEEDED ACTION(S): Recommend approval.

ATTACHMENTS: See envelope.

LEGAL REVIEW PENDING: N/A

ITEM HISTORY: ---



Bertie County

Board of Commissioners

ITEM ABSTRACT

MEETING DATE: August 1, 2016

AGENDA ITEM: C-4

DEPARTMENT: Register of Deeds

SUBJECT: Register of Deeds Fee Report – July 2016

COUNTY MANAGER RECOMMENDATION OR COMMENTS: Recommend approval.

SUMMARY OF AGENDA ITEM AND/OR NEEDED ACTION(S): Recommend approval.

ATTACHMENTS: See handout.

LEGAL REVIEW PENDING: N/A

ITEM HISTORY: ---



Bertie County

Board of Commissioners

ITEM ABSTRACT

MEETING DATE: August 1, 2016

AGENDA ITEM: C-5

DEPARTMENT: Tax

SUBJECT: Tax Department Release Journals – June 2016

COUNTY MANAGER RECOMMENDATION OR COMMENTS: Recommend approval.

SUMMARY OF AGENDA ITEM AND/OR NEEDED ACTION(S): Recommend approval.

ATTACHMENTS: Yes

LEGAL REVIEW PENDING: N/A

ITEM HISTORY: ---



Bertie County Tax Department
PO Box 527
106 Dundee St.
Windsor, NC 27983
Phone: (252) 794-5310
Fax: (252) 794-5357

July 6, 2016

William Roberson
Bertie County Finance Officer
Windsor, NC 27983

Dear Mr. Roberson:

Attached you will find a (1) Computer Printout and, (2) Copies of the appropriate pages of the "Error Journal" (Ledger) manually maintained in the tax office, both relative to Errors and Releases which are now ready for your approval.

The errors and releases herein are for the month of **June** and this request for your approval is made pursuant to "Resolution of the Board of Commissioners" dated August 5, 1985. This may also serve as your report to the Board of Commissioners required by the same "Resolution."

Respectfully Submitted,



Tax Administrator

Approved on _____ 20 _____

RLS*16*182	DATE	NAME	CODE	LEVY	ADV	PEN	INT	TOTAL
2016	6/27/2016	Waftord, Mattie 16A6910069678.1	G01	\$169.13	\$0.00	\$0.00		\$169.13
		Discovery of OAE done in error	C06	\$48.32				\$48.32
								<u>\$217.45</u>

RLS*16*182	DATE	NAME	CODE	LEVY	ADV	PEN	INT	TOTAL
2015	6/21/2016	Speller, Evelyn 15A22211.50 Listed in Error	G01	\$48.13	\$0.00	\$4.81		\$52.94
	6/21/2016	Nelson, David 15A31668.30 Listed in Error	G01	\$2.52		\$0.25		\$2.77
	6/22/2016	Cherry, Malissia 15A25470.90 Listed in Error	G01	\$8.40	\$0.00	0.84		\$9.24
	6/22/2016	Sharpe, Carolyn 15A6818997935 County Foreclosure	G01	\$262.20	\$2.50			\$264.70
	6/24/2016	Delbert White Logging, Inc. Adjustment to BPP Audit	G01	\$7,519.83		\$2,209.48		\$9,729.31
								\$10,058.96

RLS*16*182	DATE	NAME	CODE	LEVY	ADV	PEN	INT	TOTAL
2014	6/21/2016	Speller, Evelyn 14A22211.50 Listed in Error	G01	\$50.32	\$0.00	\$5.03		\$55.35
	6/21/2016	Nelson, David 14A31668.30 Listed in Error	G01	\$2.52		\$0.00		\$2.52
	6/22/2016	Cherry, Malissia 14A25470.90 Listed in Error	G01	\$8.40	\$0.00	0.84		\$9.24
	6/22/2016	Sharpe, Carolyn 14A6818997935 County Foreclosure	G01	\$262.20	\$2.50			\$264.70
								<u>\$331.81</u>

RLS*16*182	DATE	NAME	CODE	LEVY	ADV	PEN	INT	TOTAL
2013	6/21/2016	Speller, Evelyn 13A22211.50 Listed in Error	G01	\$53.84	\$0.00	\$5.38		\$59.22
	6/22/2016	Cherry, Malissia 13A25470.90 Listed in Error	G01	\$8.99	\$0.00	0.9		\$9.89
	6/22/2016	Sharpe, Carolyn 13A6818997935 County Foreclosure	G01	\$262.20	\$2.50			\$264.70
								<u>\$333.81</u>

RLS*16*182	DATE	NAME	CODE	LEVY	ADV	PEN	INT	TOTAL
2012	6/22/2016	Cherry, Malissia 12A25470.90 Listed in Error	G01	\$8.66	\$0.00	0.87		\$9.53
	6/22/2016	Sharpe, Carolyn 12A6818997935 County Foreclosure	G01	\$243.47	\$2.50			\$245.97
								<u>\$255.50</u>

RLS*16*182	DATE	NAME	CODE	LEVY	ADV	PEN	INT	TOTAL
2011	6/22/2016	Sharpe, Carolyn 11A6818997935	G01	\$269.69	\$2.50			\$272.19
		County Foreclosure			j			
								<u>\$272.19</u>

RLS*16*182	DATE	NAME	CODE	LEVY	ADV	PEN	INT	TOTAL
2010	6/22/2016	Sharpe, Carolyn 10A6818997935	G01	\$269.69	\$4.00			\$273.69
		County Foreclosure			j			
								<u>\$273.69</u>

Seq Nbr	Assessm Number	Taxpfil Number	Tax Code	Transaction Amount	Levy Amount	Penalty Amount	Add Chgs	Interest Amount	Disent Amount	Inn Cheek Number
***	SHARPE, CAROLYN D		AO	2.50-	2.50-	0.00	0.00	0.00	0.00	P6268
14	06/22/16 16337	11A6818997535	G01	245.97-	245.97-	0.00	0.00	0.00	0.00	R P6248
***	SHARPE, CAROLYN D		AO	2.50-	2.50-	0.00	0.00	0.00	0.00	
15	06/22/16 16337	10A6818997535	G01	269.69-	269.69-	0.00	0.00	0.00	0.00	R P6248
***	SHARPE, CAROLYN D		AO	4.00-	4.00-	0.00	0.00	0.00	0.00	
16	06/24/16 15083	15A15083.80.1	G01	273.69-	273.69-	0.00	0.00	0.00	0.00	R P6207
***	DELFERT L WHITE LOGGING INC		G01	9729.31-	9729.31-	0.00	0.00	0.00	0.00	
17	06/23/16 13667	16A6910069678.1	G01	7519.83-	7519.83-	2209.48-	0.00	0.00	0.00	R P698
***	WATFORD, MATTHE RIDDICK		C06	169.13-	169.13-	0.00	0.00	0.00	0.00	
***	WATFORD, MATTHE RIDDICK		C06	48.32-	48.32-	0.00	0.00	0.00	0.00	
***	WATFORD, MATTHE RIDDICK			217.45-	217.45-	0.00	0.00	0.00	0.00	R P6182

Tax Code	Totals	By Tax Cycle	Current	Delinquent
AO	4.00-		4.00-	0.00
G01	2.50-		2.50-	0.00
G01	2.50-		2.50-	0.00
G01	2.50-		2.50-	0.00
G01	2.50-		2.50-	0.00
G01	48.32-		48.32-	0.00
G01	269.69-		269.69-	0.00
G01	245.97-		245.97-	0.00
G01	273.69-		273.69-	0.00
G01	9729.31-		9729.31-	0.00
G01	7519.83-		7519.83-	2209.48-
C06	169.13-		169.13-	0.00
C06	48.32-		48.32-	0.00
	217.45-		217.45-	0.00
Total for Group RLS*16*182		11743.41-	9515.01-	2228.40-
*****		Totals	By Tax Cycle	*****
Cycle		Current	Delinquent	
A		217.45-	11525.96-	

Seq Nbr	Date	Account Number	Taxpayer Number	Tax Code	Transaction Amount	Tax Amount	Penalty Amount	Addl Chgs	Interest Amount	Discont Amount	Trn Code	Check Number	Trans Description
1	06/21/16	22211	15A22211.50	G01	52.94	48.13	4.81	0.00	0.00	0.00	R		PG98
***			SPELLER, EVELYN R		52.94	48.13	4.81	0.00	0.00	0.00	R		PG98
2	06/21/16	22211	14A22211.50	G01	55.35	50.32	5.03	0.00	0.00	0.00	R		PG27
***			SPELLER, FVELYN R		55.35	50.32	5.03	0.00	0.00	0.00	R		PG27
3	06/21/16	22211	13A22211.50	G01	59.22	53.84	5.38	0.00	0.00	0.00	R		PG27
***			SPELLER, EVELYN R		59.22	53.84	5.38	0.00	0.00	0.00	R		PG27
4	06/21/16	31668	15A31668.30	G01	2.77	2.52	0.25	0.00	0.00	0.00	R		PG9
***			NELSON, DAVID THOMAS		2.77	2.52	0.25	0.00	0.00	0.00	R		PG98
5	06/21/16	31668	14A31668.30	G01	2.52	2.52	0.00	0.00	0.00	0.00	R		PG27
***			NELSON, DAVID THOMAS		2.52	2.52	0.00	0.00	0.00	0.00	R		PG27
6	06/22/16	25470	15A25470.90	G01	9.24	8.40	0.84	0.00	0.00	0.00	R		PG27
***			CERRY, MALISSIA A		9.24	8.40	0.84	0.00	0.00	0.00	R		PG98
7	06/21/16	25470	14A25470.90	G01	9.24	8.40	0.84	0.00	0.00	0.00	R		PG27
***			CERRY, MALISSIA A		9.24	8.40	0.84	0.00	0.00	0.00	R		PG27
8	06/22/16	25470	13A25470.90	G01	9.89	8.99	0.90	0.00	0.00	0.00	R		PG268
***			CERRY, MALISSIA A		9.89	8.99	0.90	0.00	0.00	0.00	R		PG268
9	06/21/16	25470	12A25470.90	G01	9.53	8.66	0.87	0.00	0.00	0.00	R		PG268
***			CERRY, MALISSIA A		9.53	8.66	0.87	0.00	0.00	0.00	R		PG268
10	06/22/16	16337	13A6818997935	G01 AD	262.20	262.20	0.00	0.00	0.00	0.00	R		PG268
***			SHARPE, CAROLYN D		262.20	262.20	0.00	0.00	0.00	0.00	R		PG268
11	06/21/16	16337	14A6818997935	G01 AD	264.70	264.70	0.00	0.00	0.00	0.00	R		PG9
***			SHARPE, CAROLYN D		264.70	264.70	0.00	0.00	0.00	0.00	R		PG9
12	06/21/16	16337	15A6818997935	G01 AD	262.20	262.20	0.00	0.00	0.00	0.00	R		PG27
***			SHARPE, CAROLYN D		262.20	262.20	0.00	0.00	0.00	0.00	R		PG27
13	06/22/16	16337	12A6818997935	G01	243.47	243.47	0.00	0.00	0.00	0.00	R		PG98
***			SHARPE, CAROLYN D		243.47	243.47	0.00	0.00	0.00	0.00	R		PG98



Bertie County

Board of Commissioners

ITEM ABSTRACT

MEETING DATE: August 1, 2016

AGENDA ITEM: C-6

DEPARTMENT: Governing Body

SUBJECT: Approval of resolution for the Sandy Branch Missionary Baptist Church – 145th anniversary

COUNTY MANAGER RECOMMENDATION OR COMMENTS: Recommend approval.

SUMMARY OF AGENDA ITEM AND/OR NEEDED ACTION(S): Recommend approval.

ATTACHMENTS: Yes

LEGAL REVIEW PENDING: N/A

ITEM HISTORY: ---



Bertie County Commissioners' Resolution

Celebrating the 145th Anniversary of Sandy Branch Missionary Baptist Church

WHEREAS, according to records found in Bertie County's Courthouse, Cedar Landing Missionary Baptist Church is believed to be one of the oldest African American churches in Bertie County, and has existed both physically, and in spirit for 145 years; and,

WHEREAS, the Sandy Branch Missionary Baptist Church holds an impactful meaning to all of its members, past and present dating back to the end of the Civil War; and,

WHEREAS, longevity, perseverance, dedication, and commitment exemplifies this Church's faith; and,

WHEREAS, the theme for this year's celebration is "The Bridge that Brought us Over"; and,

WHEREAS, in 1871, the first service was held in the Sandy Branch Missionary Baptist Church. Since then, many souls have been added to the body of Christ under various spiritual leaders; and,

WHEREAS, the current Reverend, Lycurgus Riddick Harrell, has served the members of Sandy Branch Missionary Baptist Church honorably and faithfully for 37 years; and,

NOW, THEREFORE, BE IT RESOLVED, that August 2016 marks the next steps in the history and continued ministry of the Sandy Branch Missionary Baptist Church.

Proclaimed this ___ day of **August**, 2016.

John Trent, Chairman
Bertie County Board of Commissioners



Bertie County

Board of Commissioners

ITEM ABSTRACT

MEETING DATE: August 1, 2016

AGENDA ITEM: D-1

DEPARTMENT: Water

SUBJECT: Water District III USDA Rural Development – review and approve NC Local Government Commission application and the Bond Order Resolution and related documents prepared by Bond Counsel in consultation with the County Attorney; approval of revised scope of work and engineering contract amendment for additional booster pump station and related costs on Woodard Road

COUNTY MANAGER RECOMMENDATION OR COMMENTS:

Water District III—The USDA Rural Development (Raleigh Office) is coordinating its review of the final project financing presentation to the NC Local Government Commission with special attention to preserving the \$1,074,000 grant funding. USDA requires that local funds are expended first as the project begins (design, permits, etc.) and that figure is \$264,000. The interim financing (Bond Anticipation Notes) carry the bulk of the project during construction and the loan amount is \$1,717,000. Both of those figures will remain unchanged. Once the loan funds are expended, USDA then allows for the expenditure of grant dollars.

As you will recall, the low bid was \$370,957 less than the next highest bidder.

USDA has advised the County to revise its scope of work or the County risks losing these grant dollars from the original \$1,074,000 which would be sacrificed and sent back to the federal government.

The State Engineer for USDA has encouraged the County to improve the connection and flow of water between District III and District III to address the challenge of meeting long term water quality requirements for AVOCA's production expansion. Two key changes are proposed: a) increasing the water line size from 6" to 8" on Woodard Road (\$70,590) and b) construction of a

250 gpm booster station (\$320,000) plus soft costs for engineering of \$76,000 which is split \$30,000 for design and \$46,000 for construction inspection.

The State Engineer's review will occur next week and the Board's approval will be contingent upon USDA Rural Development's concurrence, therefore I am recommending that the Board grant approval for these documents as presented today, and allow necessary modifications based on the State Engineer's comments, as long as no additional funds are required.

SUMMARY OF AGENDA ITEM AND/OR NEEDED ACTION(S):

Recommend motion to approve:

- 1) Resolution providing for application to the Local Government Commission for approval of water system revenue bonds: requesting Local Government Commission Approval of such water system revenue bonds; and certain related matters and findings—documents attached are prepared by bond counsel.
- 2) Revised project cost and funding analysis for Bertie County Water District III
- 3) Supplement to the Preliminary Engineering Report
- 4) Amended Engineering agreement (subject to USDA concurrence)
- 5) Final Capital Budget for Water District III water system improvements
- 6) Direct staff to proceed with preparation of all documents necessary to facilitate the Board Order for consideration at a later date by the governing body.

ATTACHMENTS: Yes

1. Revised project cost and funding analysis
2. Supplement to the Preliminary Engineering report
3. Amended engineering agreement
4. Final capital budget for submission to the LGC
5. Bond Resolution

LEGAL REVIEW PENDING: N/A

ITEM HISTORY: ---

AMENDMENT NO. 1 to the PRELIMINARY ENGINEERING REPORT

For

DISTRICT III WATER SYSTEM IMPROVEMENTS

USDA - RURAL DEVELOPMENT APPLICATION



Date: July 2016

Prepared By:

Green Engineering, P.L.L.C.
NC Firm License: P-0115
303 Goldsboro Street E.
Wilson, NC 27893
(252) 237-5365

Green Engineering Project No. 14-017.3



E. Leo Green III
July 28, 2016

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1.0 Narrative

Water District III's original PER, submitted in early 2015, proposed to replace approximately 26,500 LF of 3-inch and 4-inch diameter water mains with 6-inch diameter pipe to improve the hydraulic capacity in the Woodard Road area of the District. Those improvements were submitted and approved by USDA in 2015. Shortly after the plans and specifications were near completion in 2016, the County received a request from its largest water user, Avoca Farms, for higher quality water and a redundant supply. Avoca Farms is a local county agricultural industry that links local farming and production of a unique Sage plant to a product marketable to the USA.

The Avoca chemical extraction process is significantly dependent on high quality water on a reliable basis. Over the last few years, Avoca chemist has noticed an increase in dissolved solids, which is problematic to their process. The proximity of the county wells serving this industry is near the Albemarle Sound and heavily influenced by its saline characteristics. The District III wells west of Windsor and central to the county system are much more reliable and of higher quality.

To achieve Avoca Farms request for a redundant source and improved water quality, the proposed Woodard Road water main will need to be increased to an 8-inch diameter main with a 250 gpm booster station strategically located to overcome the head loss necessary to meet the flow objective.

The County Board of Commissioners, in response to Avoca Farms request, would like to improve the Woodard Road area system conditions as identified above. This Amendment identifies the need for the proposed improvements and provides additional cost analysis and system hydraulic model data required to make the requested improvements.



Avoca Incorporated

The World's Premier Botanical Extraction Company

Avoca Inc.
PO Box 129
841 Avoca Farm Rd
Merry Hill, NC 27957
Phone: 252-482-2133
Fax: 252-482-8622

Date: January 15, 2016

Steve Biggs
Executive Director
Bertie County Economic Development
PO Box 588
Windsor, N.C. 27983

Re: Water Quality and Delivery Assurance

Dear Mr. Biggs,

Avoca, Inc. is currently constructing a new processing area to increase our business and become more efficient with our operations. Over time, we have noticed the level of water quality deteriorating as a result of increased dissolved solids, hardness, and other parameters which at times is problematic to our operations, especially the functioning of our utility sources (i.e. cooling towers, boilers, and air compressors). Specifically, we have increased our water treatment cost by \$ 6,900 per month due to the need for improving the quality of the infeed water to our utilities.

The major source for our water is from District II in eastern Bertie County where our facility is located which is close to the Albemarle Sound. We know that the proximity of our location has a major influence of the aquifer where the county is pulling its water. We also know that the quality of the water from the aquifer close to the Albemarle Sound is less than that of the water in aquifers located in western Bertie County.

A constant high quality water source is critical to the operation of Avoca, Inc. for both production needs and safety concerns. We would like to be assured that Bertie County has the hydraulic capability of a redundant water supply should emergencies arise in the county system that would interrupt the feed to our site. We experience peak daily demands of up to 300,000 gpd. Validation of sustainable water supply is critical to our operation.

Annually, Avoca has over 30,000 acres of sage crop under cultivation in Bertie and surrounding counties that provides the raw material for our facility to extract ingredients which we market. Our company provides 110 full-time jobs and as many as 70 more seasonal employment opportunities for local college students. Also, there is an additional 100 or so contract farmers along with their associated employees that depend on the operation of Avoca, Inc. This makes Avoca a major and critical employer in Bertie County.

Please advise what measures Bertie County is presently considering to insure we have both good water quality and water supply.

With kind regards,

A handwritten signature in black ink, appearing to read "David M. Peele". The signature is fluid and cursive, with the first name being the most prominent.

David Peele, Ph.D.
President
Avoca, Inc.

w:\bert\14017.3\office\avoca\brian connor draft.docx

WOODARD ROAD (6-inch to 8-inch)

July 27, 2016

<u>Item</u>	<u>Quantity</u>	<u>Description</u>	<u>6 - INCH</u>		<u>8 - INCH</u>	
			<u>Unit Price</u>	<u>Total Cost</u>	<u>Unit Price</u>	<u>Total Cost</u>
1.	26,500.0	LF PVC Water Main	8.65	229,225.00	9.95	263,675.00
2.	220.0	LF Ductile Iron Pipe	30.00	6,600.00		
2A.	320.0	LF Ductile Iron Pipe			27.00	8,640.00
3.	1,200.0	LF DPE Directional Bore	37.00	44,400.00	50.00	60,000.00
4.	100.0	LF Ductile Iron (Dry Bore)	43.00	4,300.00		
5.	80.0	LF Dry Bore (Concrete & Asphalt Drwy.)	30.00	2,400.00	30.00	2,400.00
6.	26,720.0	LF Pipeline Clean-up, Seeding & Testing	0.85	22,712.00	0.85	22,712.00
7.	22.0	EA Gate Valve w/Box	750.00	16,500.00	1,100.00	24,200.00
8.	9.0	EA Fire Hydrant	2,860.00	25,740.00	2,860.00	25,740.00
9.	1,700.0	LBS Compact Fittings	5.00	8,500.00		
9A.	2,200.0	LBS Compact Fittings			5.00	11,000.00
10.	101.0	EA 3/4" Water Meter Replacement	58.65	5,923.65	58.65	5,923.65
11.	50.0	EA 3/4" Water Meter Replacement	33.60	1,680.00	33.60	1,680.00
12.	75.0	TONS Stone Bedding	10.00	750.00	10.00	750.00
13.	100.0	CY Select Backfill (In & Out)	15.00	1,500.00	15.00	1,500.00
14.	650.0	LF Silt Fence	3.00	1,950.00	3.00	1,950.00
15.	60.0	EA Silt Wattle Check Dam	50.00	3,000.00	50.00	3,000.00
16.	250.0	SY Temporary Ditch Liner	4.00	1,000.00	4.00	1,000.00
17.	80.0	TONS CABC Stone	25.00	2,000.00	25.00	2,000.00
18.	50.0	TONS Class I Rip Rap	60.00	3,000.00	60.00	3,000.00
19.	1.0	EA USDA - Rural Development Project	350.00	<u>350.00</u>	350.00	350.00
20.	90.0	LF 16" Steel Casing (Bore & Jack)			140.00	<u>12,600.00</u>
TOTAL CONSTRUCTION				\$381,530.65		\$452,120.65
DIFFERENCE (8-inch versus 6-inch)						\$70,590.00

CHANGE ORDER # 2

BERTIE COUNTY WATER DISTRICT III BOOSTER STATION #5 WOODARD ROAD

July 27, 2016


Item	Description	Total Cost
1.	Building Tilt up Walls and Floor	\$45,000.00
2.	Misc. Plumbing and Drain System	\$2,500.00
3.	Electrical, Panels, Wiring	\$35,000.00
4.	Standby Generator	\$70,000.00
5.	Site Work, Driveway, Landscaping and Fencing	\$8,500.00
6.	SCADA	\$30,000.00
7.	Instrumentation Cabinetry	\$15,000.00
8.	200 GPM Duplex Booster Pumps and Motors & VFD	\$85,000.00
9.	Safety Eyewash System/Safe Contain Breathing Apparatus	\$4,500.00
10.	Disinfection System	\$5,500.00
11.	Yard Piping	\$8,000.00
12.	Flow Meter	\$6,000.00
13.	Land	\$5,000.00
	TOTAL CONSTRUCTION	\$320,000.00

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AMENDMENT NO. 1 to the PRELIMINARY ENGINEERING REPORT

For

DISTRICT III WATER SYSTEM IMPROVEMENTS



**WATERCAD MODEL RESULTS
SYSTEM HEAD CURVE FOR PROPOSED
WOODARD ROAD BOOSTER PUMP STATION**

Date: July 2016

Prepared By:

Green Engineering, P.L.L.C.
NC Firm License: P-0115
303 Goldsboro Street E.
Wilson, NC 27893
(252) 237-5365



Green Engineering Project No. 14-017



System Head Curve Detailed Report - Woodard Road BPS

Element Details

Label Future_BPS-3A Maximum Flow gpm

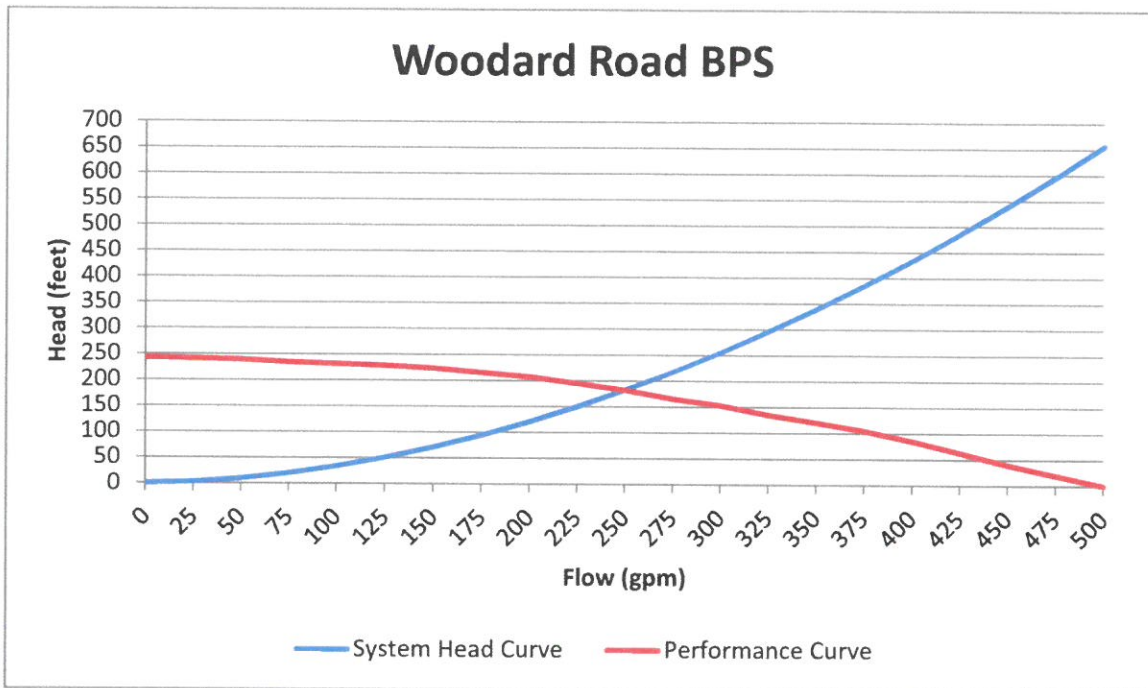
Pump FUTURE_BPS-3A Number of Intervals

Time
(hours)

0

0.000 hours Flow (gpm)	0.000 hours Head (ft)	Future_BPS-3A (6"&8") 250 gpm Flow (gpm)	Future_BPS-3A (6"&8") 250 gpm Head (ft)
0	0	500	0
25	2.56	487.34	12.13
50	9.23	474.342	24.27
75	19.56	460.977	36.4
100	33.33	447.214	48.53
125	50.38	433.013	60.67
150	70.62	418.33	72.8
175	93.95	403.113	84.93
200	120.31	387.298	97.07
225	149.64	370.81	109.2
250	181.88	353.553	121.33
275	216.99	335.41	133.47
300	254.94	316.228	145.6
325	295.67	295.804	157.73
350	339.17	273.861	169.87
375	385.4	250	182
400	434.33	223.607	194.13
425	485.93	193.649	206.27
450	540.19	158.114	218.4
475	597.08	111.803	230.53
500	656.58	0	242.67

System Head Curve Detailed Report - Woodard Road BPS



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This is **EXHIBIT K**, consisting of 2 pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated July 1, 2015.

AMENDMENT TO OWNER-ENGINEER AGREEMENT
Amendment No. One (1)

The Effective Date of this Amendment is: July 27, 2016.

Background Data

Effective Date of Owner-Engineer Agreement:

Owner: Bertie County Water District III

Engineer: Green Engineering, P.L.L.C.

Project: Water System Improvements

Nature of Amendment: [Check those that are applicable and delete those that are inapplicable.]

X Additional Services to be performed by Engineer

X Modifications to services of Engineer

X Modifications of payment to Engineer

Description of Modifications:

Additional basic engineering design and resident inspection services required are related to the design of a 360,000 GPD (250 GPM) booster pumping station to provide a sustainable water supply to the County's largest agricultural related industry. These additional services also include plan revisions of 26,500 linear feet of 6-inch water main and appurtenance to 8-inch diameter water main. This increase in water main diameter is required to adequately handle the increased flow mentioned above. An additional 75 inspection days will be required for this increased scope of work.

The above services include amending previously acquired regulatory permits and DOT encroachment agreements.

Total cost of additional system improvements is estimated to be \$390,590.00.

Additional engineering services required for these improvements are \$76,000.00 (Basic-\$30,000.00, Resident Inspection- \$46,000.00).

Agreement Summary:

Original agreement amount:	\$ <u>371,400.00</u>
Net change for prior amendments:	\$ <u>0.00</u>
This amendment amount:	\$ <u>76,000.00</u>
Adjusted Agreement amount:	\$ <u>447,400.00</u>

Change in time for services (days or date, as applicable): 0

The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement, including those set forth in Exhibit C.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect.

OWNER:

ENGINEER:

Bertie County Water District III

Green Engineering, P.L.L.C.

By: _____
Print
name: Scott T. Sauer

By: E. Leo Green III
Print
name: E. Leo Green, III, P.E.

Title: County Manager

Title: Managing Member

Date Signed: _____

Date Signed: 1-28-2016

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**PROJECT COST AND FUNDING ANALYSIS
BERTIE COUNTY WATER IMPROVEMENTS
July 27, 2016**

	<u>ORIGINAL BUDGET</u>	<u>REVISED BUDGET</u>
<u>PROJECT REVENUE</u>		
USDA Loan	1,717,000.00	1,717,000.00
USDA Grant	1,074,000.00	1,074,000.00
Local Funds	264,000.00	264,000.00
Sales Tax Reimbursement		125,000.00
TOTAL REVENUE	3,055,000.00	3,180,000.00
<u>PROJECT COSTS</u>		
Construction: Water Mains & SCADA		\$1,758,245.40
Water Meters		\$231,217.51
Encoder Registers		\$151,798.50
Woodard Road Water Main		\$70,590.00
Woodard Road Booster Pump		\$320,000.00
TOTAL CONSTRUCTION	\$2,351,755.00	\$2,531,851.41
Engineering Fees	371,400.00	447,400.00
PER	18,500.00	
Environmental Report	12,500.00	
Basic Services	151,500.00	
Inspection Services	136,400.00	
Additional Service	52,500.00	
Amended Engineering	76,000.00	
Legal Fees (Local Attorney)	10,000.00	10,000.00
Bond Counsel	20,000.00	20,000.00
Land & ROW (Easement Acquisition)	5,000.00	5,000.00
Administration	5,000.00	5,000.00
Advertisements & Permits	6,500.00	2,500.00
Interest	50,169.00	50,169.00
Project Contingency	<u>235,176.00</u>	<u>108,079.59</u>
TOTAL PROJECT BUDGET	\$3,055,000.00	\$3,180,000.00

DEPARTMENT OF THE TREASURER
 LOCAL GOVERNMENT COMMISSION
 325 North Salisbury Street, Raleigh, North Carolina 27603-1388

FINAL CAPITAL BUDGET

Unit Bertie County Water District III Date July 25, 2016

Note: A separate FINAL CAPITAL BUDGET is required for each bond purpose for which notes are to be sold.

1. Bond purpose Water System Improvements Amount of notes \$1,717,000.00
2. Describe in general terms nature of project/capital outlay if different from original application.
Water Distribution System Improvements including Supervisory Control and Data Acquisition (SCADA) and Water Meter Replacements

3. Consulting Engineer or Architect Green Engineering, P.L.L.C.
4. Final Capital budget — based on actual costs (i.e. construction bids received as of June 30, 2016).

Include bid tabulations for construction cost (Note: Bid tabulations should equal construction cost in the following table).

Actual Cost	Funding Sources
Construction Cost <u>\$ 2,531,851.41</u>	Bonds..... <u>\$ 1,717,000.00</u>
Eng. or Arch. Fees..... <u>447,400.00</u>	Grants (indicate source)..... <u>1,074,000.00</u>
Land and Rt.-of-way <u>5,000.00</u>
Bond Counsel Legal Fees <u>20,000.00</u>
Other Legal and Fiscal <u>10,000.00</u>
Administrative <u>5,000.00</u>
Capitalized Interest <u>50,169.00</u>	Sales Tax Reimbursement <u>125,000.00</u>
Contingency <u>108,079.59</u>	Available Cash..... <u>264,000.00</u>
Advertisements & Permits <u>2,500.00</u>	Other _____
Total <u>\$ 3,180,000.00</u>	Total..... <u>\$ 3,180,000.00</u>

5. Have all required permits and/or approvals by State or Federal regulatory agencies been received? Yes

Signature of Authorized Representative of Unit _____ Date _____

Concurrence of State USDA Representative _____ Date _____

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BOARD OF COMMISSIONERS OF THE COUNTY OF BERTIE, NORTH CAROLINA
ACTING AS THE BOARD OF COMMISSIONERS FOR
BERTIE COUNTY WATER DISTRICT III

Excerpt of Minutes
of Meeting of
August 1, 2016

Present: Chairman _____ presiding, and
Commissioners _____

Absent: _____

* * * * *

Commissioner _____ introduced the following resolution, the title of which was read:

RESOLUTION PROVIDING FOR APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF WATER SYSTEM REVENUE BONDS; REQUESTING LOCAL GOVERNMENT COMMISSION APPROVAL OF SUCH WATER SYSTEM REVENUE BONDS; AND CERTAIN RELATED MATTERS AND FINDINGS

WHEREAS, the Board of Commissioners of the County of Bertie, North Carolina (the "Board of Commissioners"), acting as the Board of Commissioners of Bertie County Water District III (the "District"), is authorized by Article 6 of Chapter 162A and Article 5 of Chapter 159 of the North Carolina General Statutes to issue revenue bonds and notes; and

WHEREAS the Board of Commissioners has determined that it is necessary to make capital improvements to the water system within the District, including water distribution line replacement, improvements to the Woodard Road water main, upgrades to its electronic water metering system and water meter replacement for customers in the District (collectively, the "Project"); and

WHEREAS, the Board of Commissioners is considering the issuance of not to exceed \$1,717,000 in the aggregate principal amount of the District's Water System Revenue Bonds (the "Bonds") to finance the Project, and, in connection therewith, to issue its Water System Revenue Bond Anticipation Notes (the "Notes") to be repaid with the proceeds of the Bonds; and

WHEREAS, the District may make certain capital expenditures relating to construction, repair, installation and equipping of the Project prior to the issuance of the Notes, and to reimburse the District for such expenditures out of the proceeds of the Notes;

WHEREAS, the Board of Commissioners wishes the County Manager, on behalf of the District, to file with the Local Government Commission of North Carolina (the "LGC") an

application for its approval of the Bonds and the Notes, on a form provided by the LGC and make certain findings therefor; and

WHEREAS, the Board of Commissioners wishes to retain McGuireWoods LLP, Raleigh, North Carolina, as bond counsel for the issuance and sale of the Notes and the Bonds;

WHEREAS, the Board of Commissioners wishes to sell the Notes in a private sale, to a bank or financial institution identified through a request for proposals process;

WHEREAS, it is anticipated that the Bonds will be purchased by the United States of America, acting through Rural Utilities Service, an agency of the United States Department of Agriculture (hereinafter "USDA");

NOW, THEREFORE, the Board of Commissioners for the County of Bertie, North Carolina, acting as the Board of Commissioners of Bertie County Water District III, on August 1, 2016, does hereby resolve:

1. The Bonds are to be issued by the District for the purpose of providing funds to finance the costs of the Project and to pay the costs of issuing the Notes and the Bonds as set out in the District's application to the LGC;

2. The County Manager and the County Finance Director are hereby authorized, directed and designated to file an application with the North Carolina Local Government Commission, on behalf of the District, for its approval of the issuance of the Notes and the Bonds;

3. The County Manager and the County Finance Director are hereby authorized and directed to take all actions in furtherance of the issuance of the Notes and the Bonds, including circulating a request for proposals to various banks and financial institutions for the purchase of the Notes;

4. In connection with the application to the LGC, the Board of Commissioners hereby makes the following findings:

- (a) The Bonds and the Notes are both necessary and expedient to finance the cost of the Project.
- (b) The Project is feasible.
- (c) The amount of debt to be incurred in connection with the Project and the fees to be paid in connection therewith are sufficient but not excessive for the purpose of acquiring, constructing and installing the Project by paying debt service on the Notes and the Bonds.
- (d) The District does not anticipate that a rate increase will be required in order to pay debt service on the Notes and the Bonds.
- (e) The District has not defaulted on any debt obligation.

(f) The District follows the debt management guidelines of the North Carolina Local Government Commission.

5. The District hereby declares that it reasonably expects to make certain capital expenditures for the construction, repair, installation and equipping of the Project and to reimburse such expenditures out of the proceeds of the Notes, up to a maximum amount of \$1,717,000. This resolution is intended to be a declaration of official intent under Internal Revenue Service Treasury Regulations § 1.150-2(e).

6. Pursuant to Section 159-123 of the North Carolina General Statutes, the District hereby requests the LGC to sell the Notes in a private sale, without advertisement, to a bank or similar financial institution identified through a request for proposals initiated by the District, at an interest rate and price determined through such process and approved by the LGC and the Board of Commissioners.

7. McGuireWoods LLP shall be retained to serve as bond counsel to the District with respect to the Bonds and the Note.

8. All other acts of the Board of Commissioners, acting for the District, and the officers of the County, acting for the District which are in conformity with the purposes and intent of this resolution and in furtherance of the issuance of the Notes and the Bonds and the financing of the Project, whether such actions were taken before or after the adoption of this resolution, are hereby ratified, approved and confirmed.

9. This resolution shall take effect immediately.

Commissioner _____ moved the passage of the foregoing resolution and Commissioner _____ seconded the motion and the resolution was passed by the following vote:

Ayes: Commissioner _____

Nays: Commissioner _____

Not voting: Commissioner _____

* * * * *

I, Sarah S. Tinkham, Clerk for the Board of Commissioners of Bertie County, sitting as the Board of Commissioners of Bertie County Water District III, DO HEREBY CERTIFY that the foregoing is a true and complete copy of so much of the proceedings of the Board of Commissioners for the District at a regular meeting duly called and held on August 1, 2016, and that the proceedings of such meeting are recorded in the Minutes of the Board of Commissioners. Pursuant to G.S. § 143-318.12, a current copy of a schedule of regular meetings of the District Board of Commissioners of the District is on file in my office.

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BOARD OF COMMISSIONERS OF THE COUNTY OF BERTIE, NORTH CAROLINA
ACTING AS THE BOARD OF COMMISSIONERS FOR
BERTIE COUNTY WATER DISTRICT III

Excerpt of Minutes
of Meeting of
September __, 2016

Present: Chairman _____ presiding, and

Commissioners: _____

Absent: _____

* * * * *

Commissioner _____ introduced the following resolution, the title of which was read:

**BOND ORDER OF BERTIE COUNTY WATER DISTRICT III
AUTHORIZING THE ISSUANCE OF WATER SYSTEM REVENUE
BONDS TO PROVIDE FUNDS TO CONSTRUCT IMPROVEMENTS TO
ITS WATER SYSTEM; PROVIDING FOR THE ISSUANCE OF
ADDITIONAL REVENUE BONDS FOR VARIOUS PURPOSES;
PROVIDING FOR THE ISSUANCE OF REVENUE BOND
ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF
REVENUE BONDS; PROVIDING FOR THE CREATION OF CERTAIN
SPECIAL FUNDS; PLEDGING TO THE PAYMENT OF THE
PRINCIPAL OF AND THE INTEREST ON THE REVENUE BONDS AND
NOTES CERTAIN REVENUES OF THE WATER SYSTEM; SETTING
FORTH THE RIGHTS AND REMEDIES OF HOLDERS; AND SETTING
FORTH THE DETAILS OF CERTAIN RELATED MATTERS**

WHEREAS, the Board of Commissioners of the County of Bertie, North Carolina (the “Board of Commissioners”), acting as the Board of Commissioners of Bertie County Water District III (the “District”), is authorized by Article 6 of Chapter 162A and Article 5 of Chapter 159 of the North Carolina General Statutes to issue revenue bonds and notes; and

WHEREAS the Board of Commissioners has determined that it is necessary to make capital improvements to the water system within the District, including water distribution line replacement, improvements to the Woodard Road water main, upgrades to its electronic water metering system and water meter replacement for customers in the District (collectively, the “Project”); and

WHEREAS, the Board of Commissioners is considering the issuance of not to exceed \$1,717,000 in the aggregate principal amount of the District’s Water System Revenue Bonds (the

“Bonds”) to finance the Project, and, in connection therewith, to issue its Water System Revenue Bond Anticipation Notes (the “Notes”) to be repaid with the proceeds of the Bonds; and

WHEREAS, the District has filed an application with the Local Government Commission of North Carolina for the issuance of revenue bonds in an amount not exceeding \$1,717,000 for the purpose of providing funds, together with any other available funds, to pay the costs of the Project and any related financing expenses;

NOW, THEREFORE, BE IT ORDERED by the Governing Body of the District as follows:

ARTICLE I GENERAL PROVISIONS AND DEFINITIONS

Section 1.01. Contract with Holders. In consideration of the purchase and acceptance of the Bonds by those who shall hold the same from time to time, the provisions of this Bond Order shall be deemed to be and shall constitute a contract between the District and the Holders from time to time of the Bonds; and the covenants and agreements herein set forth to be performed by or on behalf of the District shall be for the equal benefit, protection and security of the Holders of any and all of the Bonds so issued or to be issued, without preference, priority or distinction as to lien or otherwise, except as otherwise hereinafter provided, of any one Bond over any other Bond by reason of priority in the issue, sale or negotiation thereof, or otherwise.

Section 1.02. Definitions. The following capitalized words and terms as used in this Bond Order shall have the following meanings, unless some other meaning is expressly intended:

“Act” means collectively Article 6 of Chapter 162A of the North Carolina General Statutes, and The State and Local Government Revenue Bond Act, constituting Article 5 of Chapter 159 of the General Statutes of North Carolina, as amended.

“Additional Bonds” means any bonds, notes or other evidences of indebtedness secured by and payable from Net Revenues issued under this Bond Order pursuant to the provisions of Article III.

“Annual Budget” means any budget or amended budget adopted or in effect pursuant to Section 7.07.

“Auditors” means the independent firm of certified public accountants that is employed by the District (or by the County on behalf of the District) to audit the District’s books and accounts at the end of each Fiscal Year (which may be part of the audit of the County’s books and records).

“Bond” or “Bonds” means, collectively, the Initial Bonds and any Additional Bonds, and also includes any bond anticipation note or notes authorized and issued pursuant to Section 2.10.

“Bondholder” or “Holder” or any similar term, when used with reference to a Bond or Bonds means any person who shall be the registered owner of any outstanding Bond or Bonds.

“Bond Order” means this Bond Order, together with all orders amendatory hereof and all orders supplemental hereto as herein permitted.

“Bond Registrar” means the person serving in the capacity of the finance officer of the County, regardless of any particular title, or any successor registrar for the Bonds as appointed by the Governing Body.

“Clerk” means the Clerk to the Board of Commissioners of the County, sitting as the Board of Commissioners of the District, or his or her designated assistant.

“Commission” means the Local Government Commission of North Carolina.

“Consulting Engineers” means an independent engineer or engineering firm at the time employed by the District (or by the County on behalf of the District) to perform the functions and duties imposed on the Consulting Engineers by this Bond Order.

“Counsel” means an attorney or firm of attorneys selected by the District.

“County” means the County of Bertie, North Carolina.

“Debt Service Requirement” means, with respect to Bonds in any Fiscal Year, the sum of (a) the amount required to pay the interest on the Bonds then outstanding which is payable in such Fiscal Year and (b) the amount required to pay the principal of the Bonds then outstanding which is payable in such Fiscal Year; provided, however, that computation of such amount shall exclude any interest which is funded from proceeds of the Bonds; and provided further that the computation of such amount shall be based on the assumption that (i) the Bonds at the time outstanding will be retired according to their stated maturities or mandatory redemption requirements, (ii) any bond anticipation notes issued pursuant to this Bond Order and maturing during such Fiscal Year will be refunded with Additional Bonds such that the principal amount of such bond anticipation notes is not due and payable by the District in such Fiscal Year and (iii) if the Bonds bear interest at a variable rate, the rate is the maximum rate.

“Debt Service Reserve Fund” means the fund created and so designated by Section 5.03.

“Debt Service Reserve Fund Requirement” means an amount equal to the maximum Debt Service Requirement for any Fiscal Year.

“Depository” means any bank or trust company duly authorized under the laws of the United States of America or the State of North Carolina to engage in the banking business within such State and designated by the Governing Body as a depository of moneys under the provisions of this Bond Order.

“District Representative” means the County Manager of the County, the Finance Director of the County, and any other person or persons designated to act on behalf of the District in such capacity by resolution of the Governing Body.

“Existing Facilities” means the existing water system facilities and improvements owned and operated by the District as of the date of adoption of this Bond Order.

“Finance Director” means the person serving in the capacity of the finance officer of the County, regardless of any particular title, or the officer succeeding to or exercising his or her principal functions and duties.

“Fiscal Year” means the period of twelve months commencing on July 1 of any year and ending on June 30 of the following year.

“Governing Body” means the governing Board of Commissioners of the County, sitting as the Board of Commissioners of the District, in which the general legislative powers of the District shall now or hereafter be vested.

“Initial Bonds” means the Bonds authorized under Section 2.01.

“Issuer Representative” means the County Manager, the County Finance Director and any other person or persons designated to act on behalf of the District in such capacity by resolution of the Governing Body.

“Net Revenues” means the Revenues received by the District during any period less the Operating Expenses paid by the District during such Fiscal Year.

“Operating Expenses” means the District’s reasonable and necessary current expenses of maintaining, repairing and operating the System, including, without limiting the generality of the foregoing, all administrative, general and commercial expenses, insurance and surety bond premiums, payments for the billing and collection of Service Charges, architectural and engineering expenses, fees and expenses of the Bond Registrar and any trustee appointed hereunder, legal expenses, any taxes which may be lawfully imposed on the District or its income or operations or the property under its control, ordinary and current rentals of equipment or other property, usual expenses of maintenance and repair, and any other current expenses required to be paid by the District under the provisions of this Bond Order or by law, all to the extent properly and directly attributable to the System, but not including any reserves for operation, maintenance or repair or any allowance for depreciation, amortization, interest or similar charges.

“Project” means Project as defined in the preamble to this Bond Order.

“Qualified Investments” means any investments of political subdivisions of the State permitted under Section 159-30 of the General Statutes of North Carolina, as amended and as may be amended from time to time, or any successor statute.

“Revenue Fund” means the fund created and so designated by Section 5.03.

“Revenues” means all income received by the District from, in connection with, or as a result of, its ownership or operation of the System, including all moneys received in payment of rates, fees and other charges for the use of and for the services furnished by the System and investment income, but excluding the proceeds of any borrowing for payment of the costs of, or grants or donations intended for, specific System Improvements and also excluding any income received in payment of fees or charges that are intended to be set aside specifically for a

particular capital project and that are not available for payment of Operating Expenses or debt service on the Bonds.

“Secretary” means the Secretary of The North Carolina Local Government Commission or any deputy secretary.

“Series Resolution” means the resolution of the Governing Body providing for the issuance of any Bonds and fixing the details thereof.

“Service Charges” means rates, fees and charges, including service, connection and other charges, for the use of, and for the services and facilities furnished or to be furnished by the System, as prescribed or fixed by the Governing Body.

“State” means the State of North Carolina.

“State Treasurer” means the Treasurer of the State of North Carolina or his designated assistant.

“Subordinated Indebtedness” means indebtedness the terms of which shall provide that it shall be subordinate and junior in right of payment to the prior payment in full of the Bonds. For purposes of this Bond Order, obligations or debt instruments issued to the State as part of the State Revolving Loan Program or State Clean Water Bond Program are deemed to be Subordinated Indebtedness. Such Subordinated Indebtedness shall comply with the requirements of Section 11.10 hereof.

“Subordinated Indebtedness Debt Service Requirement” means, with respect to Subordinated Indebtedness in any Fiscal Year, the sum of (a) the amount required to pay the interest on the Subordinate Indebtedness then outstanding which is payable in such Fiscal Year and (b) the amount required to pay the principal of the Subordinated Indebtedness then outstanding which is payable in such Fiscal Year, the computation of such amount to be based on the assumption that (i) the Subordinated Indebtedness at the time outstanding will be retired according to its stated maturity or mandatory redemption requirements and (ii) if the Subordinated Indebtedness bears interest at a variable rate, the rate is the ceiling rate.

“System” means the Existing Facilities, the Project and any System Improvements.

“System Improvements” means any construction, reconstruction, improvement, enlargement, betterment or extension of the System, including all plants, works, instrumentalities and properties relating thereto.

Section 1.03. Rules of Construction. Words of the masculine gender shall be deemed and construed to include correlative words of the feminine and neuter genders. Unless the context shall otherwise indicate, the words “bond”, “owner”, “Holder” and “person” shall include corporations and associations, including public bodies, as well as natural persons. Unless the context shall otherwise indicate, words used herein shall include the plural as well as the singular number. References herein to particular articles or sections are references to articles or sections of this Bond Order unless some other reference is indicated.

ARTICLE II
AUTHORIZATION OF PROJECT AND INITIAL BONDS; TERMS,
EXECUTION, AUTHENTICATION, DELIVERY AND REGISTRATION
OF BONDS

Section 2.01. Authorization of Project and Initial Bonds. The District shall issue, in accordance with and pursuant to the Act and this Bond Order, its water system revenue bonds in an aggregate principal amount not to exceed \$1,604,000 (the “Initial Bonds”) for the purpose of providing funds, together with any other available funds, to pay the costs of the Project and certain fees and expenses related to the authorization, issuance and sale of the Initial Bonds. The Initial Bonds shall be issued pursuant to the Act, this Bond Order and a Series Resolution authorizing and setting forth the details of the Initial Bonds.

Section 2.02. Character of Bonds. The Bonds shall be special revenue obligations of the District payable solely from Net Revenues.

Section 2.03. Terms of Bonds. The Bonds are issuable as fully registered bonds without coupons. The Bonds shall be dated, shall bear interest until their payment, such interest to the maturity thereof being payable at such rate or rates and at such time or times, and shall be stated to mature (subject to the right of prior redemption) at such times as set forth in the Series Resolution providing for the issuance of each series of Bonds. Both principal of and interest on the Bonds shall be paid by wire transfer of immediately available funds or by check mailed to the Holder thereof unless otherwise specified in the applicable Series Resolution for such Bonds. Interest shall be sent to the person shown as the Holder of the Bonds on the registration books on the 15th day of the month preceding each interest payment date (whether or not such 15th day is a business day). Each Bond shall be payable with respect to principal, redemption premium if any, and interest, in any coin or currency of the United States of America which, at the respective dates of payment thereof, is legal tender for the payment of public and private debts. The Bonds shall be redeemable prior to their respective maturities as provided in Article IV and in the Series Resolution providing for the issuance of such Bonds.

Section 2.04. Execution of Bonds. Each Bond shall be executed in the name of the District by manual or facsimile signatures of the Mayor or the District Manager and the Clerk and the Finance Director (or such other officers of the District as shall be designated by the Governing Body for such purpose) and shall have impressed or printed thereon the official seal of the District or a facsimile thereof; provided, however, that at least one manual signature must appear on each Bond (which may be the signature of the Secretary to the Commission’s certificate). Any Bond may be signed, sealed or attested on behalf of the District by any person who, at the date of such act, shall hold the proper office, notwithstanding that at the date of such Bond or the date of delivery thereof such person shall not have held such office. In case any officer who shall have signed or sealed any of the Bonds shall cease to be such officer of the District before the Bonds so signed or sealed shall have been delivered, such Bonds may nevertheless be delivered as herein provided as if the person who so signed or sealed such Bonds had not ceased to be such officer.

Section 2.05. Registration and Transfer of Bonds. The District shall cause books for the registration of and for the registration of transfers of the Bonds as provided in this Bond Order to be kept by the Bond Registrar. The transfer of any Bond shall be registered upon the books kept for the registration of and registration of transfers of Bonds upon surrender thereof to the Bond Registrar, together with an assignment duly executed by the Holder or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar. Upon any such registration of transfer, the District shall execute and the Bond Registrar shall authenticate and deliver in exchange for such Bond a new Bond of the same series registered in the name of the transferee in an aggregate principal amount equal to the unpaid principal amount of such Bond, having maturities corresponding to the principal installments of such Bond and bearing interest at the same rate.

In all cases in which the Bonds shall be transferred hereunder, the District shall execute, the Bond Registrar shall authenticate and deliver at the earliest practicable time Bonds in accordance with the provisions of this Bond Order. The District and the Bond Registrar may make a charge for every such transfer of Bonds sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to such transfer. Neither the District nor the Bond Registrar shall be required to make any such registration of transfer of Bonds during the fifteen (15) days immediately preceding an interest payment date on the Bonds or in the case of any proposed redemption of Bonds, immediately preceding the date of mailing of notice of such redemption, or after such Bond or any portion thereof has been selected for redemption.

Notwithstanding any other provisions of this Bond Order or any Series Resolution to the contrary, the Bond Registrar shall not register the transfer of any Bond to any person other than a bank, insurance company or similar financial institution or to the United States of America, acting by and through Rural Development, an agency of the United States Department of Agriculture (formerly Farmers Home Administration) (“USDA”) unless such transfer has been previously approved by the Commission. The provisions of this paragraph may not be amended without the prior written consent of the Commission.

Section 2.06. Ownership of Bonds. As to any Bond, the person in whose name the same shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal of and the interest on any such Bond shall be made only to the Holder thereof or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond including the interest thereon to the extent of the sum or sums so paid.

Section 2.07. Mutilated, Destroyed, Stolen or Lost Bonds. In case any outstanding Bond shall become mutilated or be destroyed, stolen or lost, the District may prepare and cause to be executed, authenticated and delivered a new Bond of like tenor, number and amount as the Bond so mutilated, destroyed, stolen or lost, in exchange and substitution for such mutilated Bond and upon surrender of such mutilated Bond or in lieu of and substitution for the Bond destroyed, stolen or lost, upon the owner furnishing to the satisfaction of the Bond Registrar, the Commission and the District evidence that such Bond has been destroyed, stolen or lost, proof of the ownership thereof, a surety Bond or other indemnification instrument in twice the face amount of the Bond or in such other amount required by applicable law, payment of the cost of

preparing and issuing any new Bonds, including the reasonable expenses and charges of the District and the Bond Registrar in connection therewith and evidence of compliance with such other reasonable regulations as the Bond Registrar and Governing Body may prescribe. All Bonds surrendered hereunder shall be surrendered to the Bond Registrar and shall be cancelled. All Bonds issued in accordance with this Section shall be signed by the Mayor and the Clerk (or such other officers of the District as shall be designated by the Governing Body for such purpose) who are in office at the time and shall contain a recital to the effect that they are issued in exchange for or in place of certain Bonds and are to be deemed a part of the same series as such Bonds.

Section 2.08. Authentication of Initial Bonds. The Initial Bonds shall be executed substantially in the manner hereinabove set forth and shall be deposited with the Bond Registrar for authentication, but prior to or simultaneously with the authentication by the Bond Registrar and delivery of the Initial Bonds by the State Treasurer there shall be filed with the Bond Registrar and delivered to the initial purchaser of the Initial Bonds the following:

(a) copies, certified by the Clerk to be true and correct copies, of this Bond Order and the Series Resolution authorizing and prescribing the details of the Initial Bonds, including form, maturities and redemption provisions;

(b) a certificate of the Commission showing the award of the Initial Bonds and specifying the interest rate or rates thereof;

(c) a copy, certified by the Clerk to be a true and correct copy, of the resolution (which may be incorporated in the Series Resolution) of the Governing Body directing the authentication of the Initial Bonds and the delivery thereof to or upon the order of the purchasers therein named upon payment of the purchase price therein set forth and

(d) an opinion of Counsel to the effect that the issuance of the Initial Bonds has been duly authorized, executed and delivered by the District and such other matters as may be requested by the initial purchaser of the Initial Bonds.

When the documents mentioned in clauses (a) to (d), inclusive, of this Section shall have been filed with the Bond Registrar and when the Initial Bonds shall have been executed and authenticated as required by this Bond Order, the Bond Registrar shall authenticate and deliver the Initial Bonds to or upon the order of the purchasers thereof, but only upon payment to, or upon the order of, the State Treasurer of the purchase price of the Initial Bonds. The Bond Registrar shall be entitled to rely upon the foregoing certificates with respect to the matters contained therein.

The Initial Bonds shall not be valid or obligatory for any purpose unless authenticated by the Bond Registrar.

Section 2.09. Approval of Issuance and Sale of Initial Bonds. None of the Initial Bonds shall be issued unless they are approved and sold by the Commission and until the Secretary shall have endorsed thereon a certificate evidencing approval in accordance with the provisions of the Act.

Section 2.10. Issuance of Revenue Bond Anticipation Notes. The District is authorized to issue, in anticipation of the receipt of the net proceeds of any Bonds, water system revenue bond anticipation notes for the purpose of providing funds to pay the cost of the Project or any System Improvements. The payment of the principal of, redemption premium, if any, and interest on such notes shall be secured by a pledge, charge and lien upon the proceeds of any Bonds, if and when issued, and by the pledge of the Net Revenues pursuant to Section 5.01. The Revenues, as received by the District, shall immediately be subject to the lien of the pledge of the Net Revenues without any physical delivery thereof or further act. All covenants, obligations and agreements of the District contained in this Bond Order shall be deemed to be covenants, obligations and agreements of the District with the Holders of any notes hereafter issued.

ARTICLE III ADDITIONAL BONDS

Section 3.01. Refunding of Outstanding Bonds. The District may, to the extent permitted by the Act and the provisions of this Section, issue, from time to time, bonds, notes and other evidences of indebtedness secured by and payable from Net Revenues (herein referred to as “Additional Bonds”) for the purpose of refunding all or any portion of the Initial Bonds or any Additional Bonds for the purpose of achieving aggregate debt savings; provided, however, that bond anticipation notes issued pursuant to Section 2.10 may be refunded without evidence of aggregate debt savings. Except as to any difference in the maturities thereof or in the rate or rates of interest or the provisions for redemption, such refunding obligations shall be on a parity with and shall be entitled to the same benefit and security of this Bond Order as other Bonds. The Bond Registrar shall not authenticate and deliver any Additional Bonds for this purpose unless theretofore or simultaneously therewith there shall have been filed with the Bond Registrar the following:

- (a) a copy, certified by the Clerk to be a true and correct copy, of the Series Resolution authorizing the issuance of the Additional Bonds and prescribing the details thereof;
- (b) a certificate of the Commission showing the award of the Additional Bonds and specifying the interest rate or rates thereof;
- (c) a copy, certified by the Clerk to be a true and correct copy, of the resolution (which may be incorporated in the Series Resolution) of the Governing Body directing the authentication of the Additional Bonds and the delivery thereof to or upon the order of the purchasers therein named upon payment of the purchase price therein set forth;
- (d) an opinion of Counsel to the effect that the issuance of the Additional Bonds has been duly authorized, executed and delivered, that all conditions precedent to the delivery of the Additional Bonds have been fulfilled and such other matters as may be requested by the initial purchaser of the Additional Bonds; and
- (e) such documents as shall be required by the Bond Registrar to evidence that provision has been satisfactorily made for the redemption of the Bonds to be refunded.

When the documents mentioned in clauses (a) to (e), inclusive, of this Section shall have been filed with the Bond Registrar and when the Additional Bonds shall have been executed and authenticated as required by this Bond Order, the Bond Registrar shall deliver the Additional Bonds to or upon the order of the purchasers thereof, but only upon payment to the State Treasurer of the purchase price of the Additional Bonds.

No Additional Bonds shall be valid or obligatory for any purpose unless authenticated by the Bond Registrar.

Section 3.02. Financing of System Improvements. The District may, to the extent permitted by the Act and the provisions of this Section, issue Additional Bonds which shall be secured by and payable from the same funds as previously issued Bonds for the purpose of financing System Improvements. Except as to any difference in the maturities thereof or in the rate or rates of interest or the provisions for redemption, such obligations shall be on a parity with and shall be entitled to the same benefit and security of this Bond Order as all other Bonds. The Bond Registrar shall not authenticate and deliver any Additional Bonds for this purpose unless theretofore or simultaneously therewith there shall have been filed with the Bond Registrar, the following:

(a) a copy, certified by the Clerk to be a true and correct copy, of the Series Resolution authorizing the issuance of the Additional Bonds and prescribing the details thereof and providing that the System Improvements to be financed with the proceeds thereof are thereby made a part of the System and that the Revenues of such System Improvements are thereby pledged to the Additional Bonds and as additional security for the outstanding Bonds;

(b) a certificate of the Commission showing the award of the Additional Bonds and specifying the interest rate or rates thereof;

(c) a copy, certified by the Clerk to be a true and correct copy, of the resolution (which may be incorporated in the Series Resolution) of the Governing Body directing the authentication of the Additional Bonds and the delivery thereof to or upon the order of the purchasers therein named upon payment of the purchase price therein set forth;

(d) an opinion of Counsel to the effect that the issuance of the Additional Bonds has been duly authorized, executed and delivered, that all conditions precedent to the delivery of the Additional Bonds have been fulfilled and such other matters as may be requested by the initial purchaser of the Additional Bonds;

(e) a certificate, signed by a District Representative stating that (i) all payments required by Section 5.04 to pay debt service and all deposits into the Debt Service Reserve Fund prior to the beginning of the month during which the Additional Bonds are issued have been made and (ii) to his or her knowledge, no event of default shall have occurred and be continuing under this Bond Order;

(f) a certificate, signed by a District Representative, stating that the Net Revenues for each of the two complete Fiscal Years next preceding the issuance of the proposed Additional Bonds were equal to at least 110% of the Debt Service Requirement on all Bonds then outstanding during each such Fiscal Year, 100% of the amount necessary to pay annual debt

service obligations on Subordinated Indebtedness, if any, and 100% of the amount necessary to pay annual debt service obligations coming due in that Fiscal Year with respect to the District's general obligation bonds and installment financing obligations, if any, used to finance System Improvements; and

(g) a statement, signed by a District Representative, to the effect that the estimated Net Revenues for each of the first two complete Fiscal Years following the date of issuance of the Additional Bonds will be at least 110% of the Debt Service Requirements on all outstanding Bonds and the proposed Additional Bonds for each such Fiscal Year, 100% of the amount necessary to pay annual debt service obligations on Subordinated Indebtedness, if any, and 100% of the amount necessary to pay annual debt service obligations coming due in that Fiscal Year with respect to the District's general obligation bonds and installment financing obligations, if any, used to finance System Improvements.

When the documents mentioned in clauses (a) to (g), inclusive, of this Section shall have been filed with the Bond Registrar and when the Additional Bonds shall have been executed and authenticated as required by this Bond Order, the Bond Registrar shall deliver the Additional Bonds to or upon the order of the purchasers thereof, but only upon payment of the purchase price of the Additional Bonds.

No Additional Bonds shall be valid or obligatory for any purpose unless authenticated by the Bond Registrar.

Section 3.03. Approval by Local Government Commission. Additional Bonds shall not be issued unless they are approved and sold by the Commission and until the Secretary shall have endorsed thereon a certificate evidencing approval in accordance with the Act.

Section 3.04. Waiver of Additional Bonds Limitations. The limitations hereinabove set forth with respect to the issuance of Additional Bonds may be waived or modified by the written consent of Holders owning sixty percent (60%) or more of the aggregate principal amount of the outstanding Bonds. No such waiver or modification will be effective without a statement, signed by a District Representative, to the effect that the estimated Net Revenues for the first two complete Fiscal Years following the date of issuance of the Additional Bonds will be at least 100% of the Debt Service Requirements on all outstanding Bonds and the proposed Additional Bonds for each such Fiscal Year.

ARTICLE IV REDEMPTION OF BONDS BEFORE MATURITY

Section 4.01. Terms and Conditions. The Bonds, and the respective installments of principal corresponding thereto, shall be subject to redemption, both in whole and in part, at such times and prices, as may be provided by the Series Resolution authorizing the issuance of such Bonds.

Section 4.02. Notice of Redemption. Whenever the District shall elect to redeem Bonds notice thereof shall be given in the manner provided in the Series Resolution authorizing the issuance of such Bonds.

Section 4.03. Payment of Redeemed Bonds. Notice having been given in the manner provided in this Bond Order and the applicable Series Resolution, the Bonds so called for redemption shall become due and payable on the redemption date so designated at the redemption price set forth in such notice. Upon presentation and surrender of the Bonds so called for redemption at the place of payment specified in such notice, together with a written instrument of transfer satisfactory to the Bond Registrar, duly executed by the Holder or his duly authorized attorney, such Bonds shall be paid at the aforementioned redemption price. In case part but not all of an outstanding bond shall be selected for redemption, the Holder thereof or his attorney or legal representative shall present and surrender such Bond to the Bond Registrar for payment of the applicable redemption price and the District shall execute and the Bond Registrar shall authenticate and deliver to or upon the order of such Holder or his legal representative, without charge therefor, for the unredeemed portion of the principal amount of the Bond so surrendered, a registered Bond of the same series and maturity, bearing interest at the same rate and of any authorized denomination.

If, on the redemption date, moneys for payment of the redemption price of all the Bonds to be redeemed shall be available therefor at the place of payment specified in the notice of redemption, then from and after the redemption date, the Bonds or the installments of principal thereof so called for redemption shall cease to bear interest. All moneys held for the redemption of particular Bond or for the prepayment of particular installments thereof shall be held in trust for the account of the Holders of the Bonds so to be redeemed or prepaid.

If such moneys shall not be so available on the redemption date, the Bonds called for redemption shall continue to bear interest until paid at the same rate as they would have borne had they not been called for redemption.

Section 4.04. Cancellation of Redeemed Bonds. All Bonds redeemed prior to maturity shall be cancelled forthwith in the manner provided by applicable law.

ARTICLE V REVENUES AND FUNDS

Section 5.01. Pledge of Net Revenues. The District hereby pledges the Net Revenues to secure the payment of the principal of, redemption premium, if any, and interest on the Bonds. The Net Revenues, as received by the District, shall immediately be subject to the lien of this pledge without any physical delivery thereof or further act and the lien of this pledge shall have priority over any or all other obligations and liabilities of the District, including any general obligation bonds, or notes issued in anticipation thereof, heretofore or hereafter issued by the District for the purpose of providing water systems or facilities and the lien of this pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the District irrespective of whether such parties have notice thereof.

Section 5.02. Rate Covenant. (a) The District covenants to fix, charge and collect rates, fees, rentals and charges for the use of and for services furnished or to be furnished by the System, and that from time to time and as often as it shall appear necessary, it shall revise such rates, fees, rentals and charges as may be necessary or appropriate, in order that for each Fiscal Year the Net Revenues (calculated in accordance with generally accepted accounting principles) will be not less than one hundred and ten percent (110%) of the Debt Service Requirement for such Fiscal Year and one hundred percent (100%) of the Subordinated Indebtedness Debt Service Requirement for such Fiscal Year and one hundred percent (100%) the amount necessary to meet annual debt service obligations coming due in that Fiscal Year with respect to the District's general obligation bonds and installment financing obligations, if any, used to finance System Improvements.

(b) In addition to the covenant set forth in subsection (a) above, the District also covenants to fix, charge and collect rates, fees, rentals and charges for the use of and for the services furnished or to be furnished by the System, and that from time to time and as often as it shall appear necessary, it shall revise such rates, fees, rentals and charges as may be necessary or appropriate, in order that the Revenues will be sufficient in each Fiscal Year (i) to pay Operating Expenses, (ii) to pay the Debt Service Requirements and (iii) to make such other deposits or payments as may be required under the provisions of this Bond Order or any Series Resolution.

(c) The District covenants that all users will pay for services at the rates, fees and charges established by the District from time to time in accordance with the District's customary billing practices and policies.

(d) If the District fails to comply with the covenants set forth in subsections (a) and (b) above, it shall, within thirty (30) days of the receipt by the District of the audit report required by Section 7.08, request a Consulting Engineer to make its recommendations, if any, as to a revision of the District's rates, fees, rentals and charges for the System, its Operating Expenses or the method of operation of the System in order to satisfy the foregoing requirements of this Section. Copies of such request and of the recommendations of the Consulting Engineer, if any, shall be filed by the District with the Commission. Promptly upon its receipt of the recommendations of the Consulting Engineer, the District shall, after giving due consideration to the recommendations, revise its rates, fees, rentals and charges for the System or its Operating Expenses or alter its methods of operation, which revisions or alterations need not comply with the Consulting Engineer's recommendations but which are projected by the District to result in compliance with the covenants set forth in subsections (a) and (b) of this Section. If the District shall comply with all of the recommendations of the Consulting Engineer, failure to comply with the provisions of subsections (a) and (b) above shall not constitute an event of default under the provisions of clause (f) of Section 8.01. Compliance with all of the recommendations of the Consulting Engineer shall have no effect on any event of default other than an event of default under the provisions of clause (f) of Section 8.01. In the event of any failure to comply with the provisions of subsections (a) and (b) above and the failure of the District to comply with all of the recommendations of the Consulting Engineer, and in addition to the remedies elsewhere provided in this Bond Order, the Holders of not less than 50% in aggregate principal amount of the Bonds then outstanding may institute and prosecute in a court of competent jurisdiction an appropriate action to compel the District to comply with all of the recommendations of the Consulting Engineer in order to satisfy the foregoing requirements of this Section. The District

covenants that it will adopt and charge rates, fees, rentals and charges for the System and revise its Operating Expenses or the method of operation of the System in compliance with any final order, decree or judgment entered in any such proceeding or modification thereof.

(e) Notwithstanding any of the foregoing provisions of this Section, contracts and agreements for the use of the System, or any component thereof, in effect on the date of issuance of the Initial Bonds shall not be subject to revision for purposes of compliance with the covenants set forth in subsections (a) and (b) of this Section except in accordance with their terms. The District may enter into new contracts or agreements or amend or rescind existing contracts or agreements for the use of the System on such terms and for such periods of time as the District shall determine to be proper.

(f) The District also covenants to fix and charge rates, fees, rentals and charges for the System which rates, fees, rentals and charges shall be reasonable and non-discriminatory. Nothing contained in this Section shall obligate the District to take any action in violation of any applicable requirements imposed by law.

Section 5.03. Creation of Funds. There is hereby created the following designated special funds: (a) “Bertie County Water District III Water Fund” (which is the existing enterprise fund of the District relating to the System and which shall hereinafter be called the “Revenue Fund”); and the (b) Bertie County Water District III Water System Debt Service Reserve Fund” (hereinafter called the “Debt Service Reserve Fund”). The moneys in each Fund shall be held by the District in trust with a Depositary and applied as hereinafter provided in this Article. The funds in each Fund are hereby pledged to the payment of principal of, premium, if any, and interest on the Bonds. Each Fund shall be maintained as long as any of the Bonds are outstanding.

Section 5.04. Application of Revenues Received by the District. (a) All Revenues collected by or on behalf of the District shall be deposited by the District with one or more Depositaries as soon as practicable following the receipt thereof and held in the Revenue Fund. The District shall withdraw and transfer or expend moneys held in the Revenue Fund only for the purposes and in the manner set forth in this Section.

(b) Operating Expenses shall be paid by the District from, and shall be a first charge and lien against, the Revenue Fund. The Operating Expenses shall be paid from amounts held in the Revenue Fund as the same become due and payable in conformity with the applicable budgetary and payment procedures of the District.

(c) At such time or times as are specifically provided for herein or in any Series Resolution, the District shall, after payment of such Operating Expenses then due and payable, withdraw from the Revenue Fund the amount necessary to make the following payments or deposits in the following manner and order:

(i) At such time or times as provided in any Series Resolution, the Issuer shall pay to such persons an amount sufficient for the payment of the principal of, premium, if any, and interest on the Bonds then due and payable; provided, however, that if there shall not be sufficient Net Revenues to satisfy all such deposits and payments, such

deposits and payments shall be made to each Holder ratably according to the amount so required to be deposited or paid;

(ii) At such time or times as provided in any Series Resolution, the Issuer shall transfer to the Debt Service Reserve Fund an amount equal to the debt service reserve fund requirement therefor; provided, however, that if there shall not be sufficient Net Revenues to satisfy all such deposits, such deposits shall be made to each such debt service reserve ratably according to the amount so required to be deposited.

(iii) Provided no event of default exists under this Bond Order, if any general obligation debt incurred to finance or refinance all or any part of the System is outstanding, the Issuer may, in its sole discretion, pay interest on and principal of such general obligation debt as the same becomes due and payable.

(iv) Provided no event of default exists under this Bond Order, if any installment purchase, lease purchase, conditional sale or other similar types of debt or obligations incurred to finance or refinance all or any part of the System are outstanding, the Issuer, in its sole discretion, may pay interest on and principal of such debt, or corresponding installment, lease or other similar type payments, as the same become due and payable.

Notwithstanding anything in this subsection (c) to the contrary, failure by the Issuer to make any deposits required by clauses (iii) and (iv) of this subsection (c) shall not in and of itself be an event of default under this Bond Order.

Provided, however, that if the amount so deposited in any month to the credit of any Fund mentioned in Section 5.04 hereof shall be less than the required amount, the requirement therefor shall nevertheless be cumulative and the amount of any deficiency in any month shall be added to the amount otherwise required to be deposited to the credit of such Fund in each month thereafter until such time as such deficiency shall be made up.

(d) At the end of each month, after making all deposits or payments required by this Section (including setting aside sufficient funds to pay principal and interest due on the Bonds on the next interest payment date), the Issuer may transfer any balance remaining in the Revenue Fund to any other fund or account designated by the Issuer to be used for any lawful purpose, including, without limitation, to any capital project fund or capital revenue fund established for the System, but only if the following conditions are met: (i) no event of default shall exist and be continuing; (ii) in the opinion of the Finance Director of the Issuer, such transfer will not have a material adverse effect on the Issuer's ability over the next twelve calendar months to pay the Operating Expenses, to make all deposits and payments required by this Section and to meet all other financial obligations imposed by this Bond Order or any Series Resolution; and (iii) the cumulative amount so transferred in any Fiscal Year shall not exceed the total amount budgeted to be transferred from the Revenue Fund in such Fiscal Year as shown in the Annual Budget for such Fiscal Year, as amended. Any funds transferred from the Revenue Fund in accordance with this subsection (d), other than transfers made to any fund or account for the payment of the principal of, premium, if any, or interest on the Bonds (including the Debt Service Reserve

Fund), shall no longer be subject to the pledge, charge and lien upon the Net Revenues created by this Bond Order.

Section 5.05. Application of Moneys in Debt Service Reserve Fund. Moneys held for the credit of the Debt Service Reserve Fund shall be used for the purpose of paying interest on the Bonds and maturing principal of Bonds whenever and to the extent that the moneys held in the Revenue Fund to pay debt service on the Bonds shall be insufficient for such purpose, and the District shall transfer funds from the Debt Service Reserve Fund to the Revenue Fund as necessary to make such payments. Any moneys so withdrawn from such Fund shall be restored from available moneys in the Revenue Fund, subject to the same conditions as are prescribed for deposits to the credit of such Fund under the provisions of Section 5.04 hereof. If at any time the moneys held for the credit of the Debt Service Reserve Fund shall exceed the requirement for such Fund under the provisions of clause (b) of Section 5.04 hereof, such excess may be transferred by the credit of the Revenue Fund.

Section 5.06. Unclaimed Moneys. All moneys which the District shall have withdrawn from the Revenue Fund or shall have received from any other source and set aside for the purpose of paying the principal of, premium, if any, or interest on the Bonds hereby secured, either at the maturity thereof or upon call for redemption shall be held in trust for the respective Holders of such Bonds. Any moneys which shall be set aside and which shall remain unclaimed by the Holders of such Bonds for the period of five years after the date on which such Bonds shall have become payable shall be treated as abandoned property pursuant to the provisions of G.S. 116B-18, and the District shall report and remit this property to the Escheat Fund according to the requirements of Article 3 of Chapter 116B of the North Carolina General Statutes. Thereafter the Holders of such Bonds shall look only to the Escheat Fund for payment and then only to the extent of the amounts so received without any interest thereon, and the District shall have no responsibility with respect to such moneys.

Section 5.07. Cancellation. All Bonds paid, redeemed or purchased either at or before maturity, shall, at the direction of the District, be delivered to the Bond Registrar or to the District when such payment, redemption or purchase is made and such Bonds shall thereupon be cancelled in the manner provided by applicable law. All Bonds cancelled under any of the provisions of this Bond Order shall be destroyed by the Bond Registrar which shall execute a certificate in duplicate describing the Bonds so destroyed, and one executed certificate shall be filed with the District and the second executed certificate shall be retained by the Bond Registrar.

ARTICLE VI SECURITY FOR DEPOSITS AND INVESTMENT OF FUNDS

Section 6.01. Security for Deposits. All moneys deposited with the District or any other Depository designated by the Governing Body hereunder in excess of the amount guaranteed by the Federal Deposit Insurance Corporation or other Federal agency shall be continuously secured, for the benefit of the District and the Holders of the Bonds, in such manner as may then be required by applicable state or Federal laws and regulations regarding the security for, or

granting a preference in the case of, the deposit of trust funds, including applicable regulations of the Commission.

Section 6.02. Investment of Funds. Moneys held for the credit of any fund or account established under this Bond Order or any Series Resolution, including the Revenue Fund, shall, as nearly as may be practicable, be continuously invested and reinvested in Qualified Investments which shall mature, or which shall be subject to redemption by the holder thereof at the option of such holder, not later than the respective dates when the moneys held for the credit of such fund or account will be required for the purposes intended. Obligations and certificates of deposit purchased as investments of moneys in any such fund or account shall be deemed at all times to be part of such fund or account, and the interest accruing thereon and any profit realized therefrom shall be credited to such fund or account, and any loss resulting therefrom shall be charged to such fund or account. The District shall sell at the best price obtainable or present for redemption any obligations so purchased whenever it shall be necessary so to do in order to provide moneys to meet any payment or transfer from such fund or account. Neither the District nor any District Representative shall be liable or responsible for any loss resulting from any such investment in a Qualified Investment. For the purpose of determining the amount on deposit to the credit of any such fund or account, obligations in which moneys in such fund or account have been invested shall be valued at the fair market value of such investment.

ARTICLE VII PARTICULAR COVENANTS

Section 7.01. Payment of Bonds and Observance of Covenants. The District covenants that it will promptly pay the principal of and the interest on every Bond issued under the provisions of this Bond Order at the places, on the dates and in the manner provided herein and in the Bonds and any premium required for the retirement of the Bonds by purchase or redemption, according to the true intent and meaning thereof. Except as in this Bond Order otherwise provided, the principal, interest and premiums shall be secured solely by the Net Revenues, which are hereby pledged to the payment thereof in the manner and to the extent hereinabove particularly specified. Nothing in the Bonds or in this Bond Order shall be construed as pledging the faith and credit of the District to payment of the Bonds or as obligating the District, directly or indirectly or contingently, to levy or to pledge any form of ad valorem tax whatever therefor. The District covenants that it shall faithfully do and perform and at all times fully observe any and all covenants, undertakings, stipulations and provisions contained herein or in the Bonds.

Section 7.02. Construction of Project and System Improvements. The District covenants that it will forthwith diligently proceed to complete the Project and any System Improvements in accordance with plans and specifications therefor in conformity with law and all requirements of all governmental authorities having jurisdiction thereover, and that it will complete such construction with all expedition practicable.

The District further covenants and agrees that it will require each person, firm or corporation with whom it may contract for labor or materials in connection with the construction of the Project or any System Improvements to furnish a performance bond as required by law to

insure completion and performance of such contract, or, in lieu thereof, to deposit with a Depository marketable securities having a market value equal to the amount of such contract and eligible as security for the deposit of trust funds under regulations of the Comptroller of the Currency of the United States, and to carry such workmen's compensation or employers' liability insurance as may be required by law and such builders' risk insurance, if any, as may be required by law. The District further covenants and agrees that in the event of any default under any such contract and the failure of the surety to complete the contract, the proceeds of any such performance bond or securities shall forthwith, upon receipt of such proceeds, be applied toward the completion of the contract in connection with which such performance bond or securities shall have been furnished.

Section 7.03. Operation and Maintenance of System. The District covenants that it shall at all times operate the System properly and in a sound and economical manner, and shall maintain, preserve and keep the System or cause the System to be so maintained, preserved and kept, with the appurtenances and every part and parcel thereof, in good repair, working order and condition, and shall from time to time make or cause to be made, all necessary and proper repairs, replacements and renewals so that at all times the operation of the System may be properly and advantageously conducted.

Section 7.04. Rules, Regulations and Other Details. The District covenants that it shall establish and shall enforce reasonable rules and regulations governing the operation, use and services of the System and all other property and assets owned and operated by the District and that all compensations, salaries, fees and wages paid by the District in connection with the maintenance, repair and operation of the System shall be reasonable. The District shall observe and perform or shall cause to be observed and performed all of the terms and conditions contained in the Act, and shall comply with all valid acts, rules, regulations, orders and directions of any legislative, executive, administrative or judicial body applicable to the System and all other property and assets owned and operated by the District.

Section 7.05. Payment of Lawful Charges. The District covenants that, from Revenues, it will pay all taxes and assessments or other municipal or governmental charges lawfully levied or assessed upon or in respect of the System or upon any part and that, from such Revenues, it will pay or cause to be discharged, or will make adequate provision to satisfy and discharge, within sixty days after the same shall accrue, all lawful claims and demands for labor, materials, supplies or other objects which, if unpaid, might by law become a lien upon the System or any part thereof or upon such Revenues; provided, however, that nothing in this Section contained shall require the District to pay or cause to be discharged, or make provision for, any such lien or charge so long as the validity thereof shall be contested in good faith and by appropriate legal proceedings.

Section 7.06. Insurance and Reconstruction. The District covenants that it will obtain and maintain insurance, with reasonable terms, conditions, provisions and costs, which the District determines will afford adequate protection against such risks as are customarily insured against in connection with the operation of water systems of the type and size comparable to the System. All such insurance policies shall be carried in an insurance company or companies

authorized and qualified under the laws of the State of North Carolina to assume the risks thereof.

The proceeds of all such insurance covering damage to or destruction of the System shall be deposited with the District and shall be available for and shall, to the extent necessary, be applied to the repair, replacement or reconstruction of the damaged or destroyed property, and shall be paid out in the manner determined by the District. If such proceeds shall be insufficient for such purpose, the deficiency may be supplied out of any other available funds of the District in its sole discretion. The proceeds of all insurance covering loss of Revenues shall be deposited to the credit of the Revenue Fund.

Section 7.07. Annual Budget. The District covenants that it shall develop an Annual Budget for each Fiscal Year consistent with the budget preparation schedule set forth in the State's applicable fiscal control statutes. If for any reason the Governing Body shall not have adopted the Annual Budget before the first day of any Fiscal Year, the budget for the preceding Fiscal Year shall, until the adoption of the Annual Budget, be deemed to be in force.

The Governing Body may at any time adopt an amended or supplemental Annual Budget for the remainder of the then current Fiscal Year, but no such amended or supplemental budget shall be effective until it shall be approved in the manner hereinbefore prescribed for the Annual Budget.

The District covenants that the Operating Expenses incurred in any Fiscal Year will not exceed the reasonable and necessary amount thereof, and that it will not expend any amount or incur any obligations for maintenance, repair and operation in excess of the amounts provided for Operating Expenses in the Annual Budget.

Section 7.08. Records, Books and Audits. The District covenants that it will keep each of the funds of the System separate from all other funds of the District and that it will keep accurate records and accounts of all items of cost and of all expenditures relating to the System and of the Revenues collected and the application of such Revenues. Such records and accounts shall at all times during normal business hours be open to the inspection of the Commission and the Holders of the Bonds.

The District shall cause its independent certified public accountant to prepare and deliver to the District within 180 days after the close of each Fiscal Year, beginning with the Fiscal Year ending June 30, 2016, an audit of the District's books and accounts. Reports of each such audit shall be filed with the Commission and, upon written request to the Finance Director, to each Bondholder and shall be made available for inspection at the office of the Finance Director. Included in each such audit report shall be a calculation of the rate covenant described in Section 5.02 for such Fiscal Year. Each such audit report shall be accompanied by an opinion of the independent certified public accountant stating that the examination of the financial statements was conducted in accordance with generally accepted auditing standards and stating whether such financial statements present fairly the financial position of the System and the results of its operations and a statement of cash flows for the period covered by such audit report in conformity with generally accepted accounting principles applied on a consistent basis. If for any reason beyond its control, the District is unable to obtain the foregoing opinion as to

compliance with generally accepted accounting principles, the District shall be deemed to be in compliance with this Section if it is taking all reasonable and feasible action to obtain such opinion in subsequent Fiscal Years, and if, in lieu of a statement as to compliance and conformity, such opinion states the reasons for such noncompliance or non-conformity.

Section 7.09. Sale or Encumbrance. (a) The District covenants that it will not sell, lease or otherwise dispose of or encumber the System or any part thereof except as expressly permitted by this Section or as agreed to by one hundred percent (100%) of the Holders.

(b) The District may, from time to time, sell or otherwise dispose of such property forming part of the System, including machinery, fixtures, apparatus, tools, instruments or other property, as the Governing Body may determine is obsolete or no longer needed for the proper maintenance and operation of such System. The proceeds from any sale, lease or disposition of the System, in whole or in part, shall be applied to the replacement of the properties so sold or otherwise disposed of or shall be deposited in the Revenue Fund or otherwise used to pay or redeem Bonds.

(c) The District may incur obligations secured by a lien on (a) rolling stock comprising a part of the System without limitation and (b) other property, plant and equipment comprising a part of the System; provided, however, that the principal amount of such obligations outstanding at any one time shall not exceed 20% of the net book value of the property, plant and equipment of the System (not taking into account any outstanding obligations with respect to rolling stock that is a part of the System) as shown on the audited financial statements of the District for the most recent Fiscal Year for which audited financial statements are available.

Section 7.10. Limitation on Liens. The District covenants that it will not create or permit to be created any charge or lien on the System or the Net Revenues ranking equally with or prior to the charge or lien on the Net Revenues of the Bonds issued and secured hereunder unless otherwise expressly permitted by this Bond Order or required by applicable law. The District shall discharge or cause to be discharged, or shall make adequate provision to satisfy and discharge, within sixty (60) days after the same become due and payable, all lawful costs, expenses, liabilities and charges relating to the maintenance, repair, replacement or improvement of the properties constituting the System and the operation of the System and lawful claims and demands for labor, materials, supplies or other objects that might by law become a lien upon the System or the Net Revenues if unpaid. Nothing contained in this Section shall require the District to pay or cause to be discharged, or make provision for the payment, satisfaction and discharge of, any lien, charge, cost, liability, claim or demand so long as the validity thereof is contested in good faith and by appropriate legal proceedings. The District may issue Subordinated Indebtedness secured by a charge or lien on the System or Net Revenues that is expressly subordinate to any Bonds issued hereunder.

Section 7.11. Instruments of Further Assurance. The District covenants that at any and all times it shall, so far as it may be authorized by law, pass, make, do, execute, acknowledge and deliver all and every such further orders, resolutions, acts, conveyances, transfers and assurances as may be reasonably necessary or desirable for the better assuring, conveying, granting and

confirming all and singular the rights, Net Revenues and other funds hereby pledged or intended so to be, or which the District may hereafter become bound to pledge or as may be reasonable and required to carry out the purposes of the Bond Order and comply with the Act. The District further covenants that it shall at all times, to the extent permitted by law, defend, preserve and protect the pledge of the Net Revenues and all the rights of the Holders against all claims and demands of all persons whomsoever.

ARTICLE VIII DEFAULTS AND REMEDIES

Section 8.01. Events of Default. Each of the following events is hereby declared an “event of default” hereunder:

(a) payment of the principal of or, premium, if any, on the Bonds shall not be made when the same shall become due and payable, either at maturity or by proceedings for redemption or otherwise; or

(b) payment of any installment of interest on the Bonds shall not be made when the same shall become due and payable; or

(c) final judgment for the payment of money in excess of \$500,000 is rendered against the District as a result of its ownership, control or operation of the System, and any such judgment is not discharged within one hundred twenty (120) days from the entry thereof or an appeal is not taken therefrom or from the order, decree or process upon which or pursuant to which such judgment shall have been granted or entered, in such manner as to stay the execution of or levy under such judgment, order, decree or process or the enforcement thereof;

(d) the District (i) becomes insolvent or the subject of insolvency proceedings; or (ii) is unable, or admits in writing its inability, to pay its debts as they mature; or (iii) makes a general assignment for the benefit of creditors or to an agent authorized to liquidate any substantial amount of its property; or (iv) files a petition or other pleading seeking reorganization, composition, readjustment, or liquidation of assets, or requesting similar relief; or (v) applies to a court for the appointment of a receiver for it or for the whole or any part of the System; or (vi) has a receiver or liquidator appointed for it or for the whole or any part of the System (with or without the consent of the District) and such receiver is not discharged within ninety (90) consecutive days after his appointment; or (vii) becomes the subject of an “order for relief” within the meaning of the United States Bankruptcy Code; or (viii) files an answer to a creditor’s petition admitting the material allegations thereof for liquidation, reorganization, readjustment or composition or to effect a plan or other arrangement with creditors or fail to have such petition dismissed within sixty (60) consecutive days after the same is filed against the District;

(e) a court of competent jurisdiction assumes custody or control of the District or of the whole or any substantial part of its property under the provisions of any other law for the relief or aid of debtors, and such custody or control is not terminated within ninety (90) days from the date of assumption of such custody or control; and

(f) the District defaults in the due and punctual performance of any other of the covenants, conditions, agreements and provisions contained in the Bonds, this Bond Order or any Series Resolution, and such default continues for thirty (30) days after receipt by the District of a written notice from the Holders of not less than twenty-five percent (25%) of the aggregate principal amount of the Bonds then outstanding specifying such default and requesting that it be corrected; provided, however, that if prior to the expiration of such 30-day period the District institutes action reasonably designed to cure such default, no "event of default" shall be deemed to have occurred upon the expiration of such 30-day period for so long as the District pursues such curative action with reasonable diligence.

Section 8.02. Bonds Declared Due and Payable. Upon the happening and continuance of any event of default specified in Section 8.01, then and in every such case, the Holders of a majority in principal amount of the Bonds then outstanding may, by a notice in writing to the District, declare the principal of all of the Bonds then outstanding (if not then due and payable) to be due and payable immediately, and upon such declaration the same shall become and be immediately due and payable, anything contained in the Bonds or in this Bond Order to the contrary notwithstanding; provided, however, that if at any time after the principal of the Bonds shall have been so declared to be due and payable, and before the entry of final judgment or decree in any suit, action or proceeding instituted on account of such default, or before the completion of the enforcement of any other remedy under this Bond Order, moneys shall become available to pay the principal of all matured Bonds and all arrears of interest, if any, upon all the Bonds then outstanding (except the principal of any Bonds not then due by their terms and the interest accrued on such Bonds since the last interest payment date), and all other amounts then payable by the District hereunder shall have been paid or a sum sufficient to pay the same shall have been deposited with a Depository, and every other default in the observance or performance of any covenant, condition or agreement contained in the Bonds or in this Bond Order (other than a default in the payment of the principal of such Bonds then due only because of a declaration under this Section), shall have been remedied to the satisfaction of the Holders, then and in every such case the Holders may, and upon the written request of the Holders of a majority in principal amount of the Bonds not then due by their terms and then outstanding shall, by written notice to the District, rescind and annul such declaration and its consequences, but no such rescission or annulment shall extend to or affect any subsequent default or impair any right consequent thereon.

If at any time moneys are insufficient to pay the interest on or the principal of the Bonds as the same become due and payable, all moneys held in the Revenue Fund, together with any moneys then available or thereafter becoming available for such purpose, after payment of all Operating Expenses then due and payable, shall be applied as provided in Section 11.02.

Section 8.03. Additional Remedies. Upon the happening and continuance of any event of default specified in Section 8.01, then and in every case the Holders may proceed to protect and enforce their rights hereunder and under the laws of the State of North Carolina, including the Act, by such suits, actions or special proceedings in equity or at law, either for the specific performance of any covenant or agreement contained herein or in aid or execution of any power herein granted or for the enforcement of any proper legal or equitable remedy, as the Holders, shall deem most effectual to protect and enforce such rights.

Section 8.04. No Remedy Exclusive. No remedy herein conferred upon or reserved to the Holders is intended to be exclusive of any other remedy or remedies, and each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or now or hereafter existing at law or in equity or by statute.

Section 8.05. Waiver of Default. No delay or omission of the Holders of the Bonds to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or an acquiescence therein; and every power and remedy given by this Article to the Holders of the Bonds, respectively, may be exercised from time to time and as often as may be deemed expedient.

The Holders of a majority of the Bonds may waive any default which shall have been remedied before the entry of final judgment or decree in any suit, action or proceeding instituted by it under the provisions of this Bond Order or before the completion of the enforcement of any other remedy under this Bond Order, but no such waiver shall extend to or affect any other existing or any subsequent default or defaults or impair any rights or remedies consequent thereon.

Section 8.06. Notice of Default. The District shall mail to the Commission and to the Holder of each Bond then outstanding written notice of the occurrence of any event of default set forth in Section 8.01 as soon as practical, but in no event later than thirty (30) days, after the District shall have notice that any such event of default has occurred.

ARTICLE IX THE TRUSTEE

Section 9.01. Designation of Trustee. The District may at any time, with the approval of the Commission, appoint a Trustee to administer the provisions of this Bond Order and may adopt such supplements to this Bond Order in accordance with Section 9.01 as shall be necessary or desirable to effectuate such appointment.

Any Trustee appointed shall be capable of exercising trust powers in the State, which must be a bank or trust company with a combined capital (exclusive of borrowed capital) and surplus of at least \$100,000,000, and subject to supervision or examination by federal or state authority, so long as any Bonds are outstanding hereunder. If such bank or trust company publishes a report of condition at least annually pursuant to law or to the requirements of any supervising or examining authority above referred to, then for the purpose of this Section the combined capital and surplus of such bank or trust company shall be deemed to be its combined capital and surplus as set forth in its most recent report of condition so published.

ARTICLE X SUPPLEMENTAL ORDERS

Section 10.01. Without Consent of Holders. The Governing Body may amend this Bond Order in any respect without the consent of any Holders of the Bonds prior to the delivery of the Initial Bonds.

The Governing Body may also, from time to time and at any time following delivery of the Initial Bonds, without the consent of any Holders of the Bonds, adopt such orders supplemental hereto as shall not be inconsistent with the terms and provisions hereof (which supplemental orders shall thereafter form a part hereof) as shall be substantially consistent with the terms and provisions of this Bond Order and shall not materially and adversely affect the interest of the Holders:

(a) to cure any ambiguity or formal defect or omission or to correct any inconsistent provisions in this Bond Order or in any supplemental order, or

(b) to grant to or confer upon the Holders any additional rights, remedies, powers, authority or security that may lawfully be granted to or conferred upon the Holders, or

(c) to add to the conditions, limitations and restrictions on the issuance of Bonds under the provisions of this Bond Order other conditions, limitations and restrictions thereafter to be observed, or

(d) to add to the covenants and agreements of the District in this Bond Order other covenants and agreements thereafter to be observed by the District or to surrender any right or power herein reserved to or conferred upon the District.

At least thirty (30) days prior to the adoption of any supplemental order for any of the purposes set forth in the clauses (a) through (d) in this Section, the Bond Registrar, at the expense of the District, shall cause a notice of the proposed adoption of such supplemental order to be mailed, postage prepaid, to the Holder of each Bond at the address appearing on the registration books and to the Commission. Such notice shall briefly set forth the nature of the proposed supplemental order and shall state that copies thereof are on file at the principal office of the Bond Registrar for inspection by all Holders. A failure on the part of the Bond Registrar to mail the notice required by this Section shall not affect the validity of such supplemental order.

Section 10.02. With Consent of Holders. Subject to the terms and provisions contained in this Section, and not otherwise, the Holders of not less than a majority in aggregate principal amount of the Bonds then outstanding shall have the right, from time to time following delivery of any Bonds, anything contained in this Bond Order to the contrary notwithstanding, to consent to and approve the adoption, of such order or orders supplemental hereto as shall be deemed necessary or desirable by the Governing Body for the purpose of modifying, altering, amending, adding to or rescinding, in particular, any of the terms or provisions contained in this Bond Order or in any supplemental order; provided, however, that nothing herein contained shall permit, or be construed as permitting, (a) an extension of the maturity of the principal of or the interest on any Bond issued hereunder without the consent of the Holder of such Bond, or (b) a reduction in the principal amount of any Bond or the redemption premium or the rate of interest thereon without the consent of the Holder of such Bond, or (c) the creation of a lien upon or a pledge of Revenues or Net Revenues other than the lien and pledge created by this Bond Order without the consent of the Holders of all Bonds outstanding, or (d) a preference or priority of any Bond over any other Bond without the consent of the Holders of all Bonds outstanding or (e) a reduction in the aggregate principal amount of the Bonds required for consent to such supplemental order without the consent of the Holders of all Bonds outstanding.

Section 10.03. Obtaining Consent of Holders. If at any time the Governing Body shall determine that it is necessary or desirable to adopt any supplemental order for any of the purposes of Section 10.02, the Bond Registrar, at the expense of the District, shall cause notice of the proposed adoption of such supplemental order to be mailed, postage prepaid, to each Holder of Bonds at the addresses appearing on the registration books. Such notice shall briefly set forth the nature of the proposed supplemental order and shall state that copies thereof are on file at the principal corporate trust office of the Bond Registrar for inspection by all Holders. The Bond Registrar shall not, however, be subject to any liability to any Holder by reason of its failure to cause the notice required by this Section to be mailed and any such failure shall not affect the validity of such supplemental order when consented to and approved as provided in this Section.

Whenever, at any time within one year after the date of the first mailing of such notice, the District shall deliver to the Bond Registrar an instrument or instruments in writing purporting to be executed by the Holders of not less than a majority in aggregate principal amount of the Bonds then outstanding, which instrument or instruments shall refer to the proposed supplemental order described in such notice and shall specifically consent to and approve the adoption thereof in substantially the form of the copy thereof referred to in such notice, thereupon, but not otherwise, the Governing Body may adopt such supplemental order in substantially such form, without liability or responsibility to any Holder of any Bond, whether or not such Holder shall have consented thereto.

If the Holders of not less than a majority in aggregate principal amount of the Bonds outstanding at the time of the adoption of such supplemental order shall have consented to and approved the adoption thereof as herein provided, no Holder of any Bond shall have any right to object to the adoption of such supplemental order, or to object to any of the terms and provisions contained therein or the operation thereof, or in any manner to question the propriety of the adoption thereof, or to enjoin or restrain the Governing Body from adopting the same or from taking any action pursuant to the provisions thereof.

Upon the adoption of any supplemental order pursuant to the provisions of this Section, this Bond Order shall be and be deemed to be modified and amended in accordance therewith, and the respective rights, duties and obligations under this Bond Order of the District, the Bond Registrar and all Holders of Bonds then outstanding shall thereafter be determined, exercised and enforced in all respects under the provisions of this Bond Order as so modified and amended.

Bonds owned or held by or for the account of the District shall not be deemed outstanding and shall be excluded for the purpose of any consent or any calculation provided for in this Article.

Bonds delivered after the effective date of any action taken as in this Article provided may bear a notation by endorsement or otherwise in form approved by the District and Bond Registrar as to such action. If the District and Bond Registrar shall so determine, new Bonds modified to conform to any such action shall be prepared, authenticated and delivered to the Holder of any Bond then outstanding without cost to such Holder in exchange for and upon surrender of such outstanding Bonds.

Section 10.04. Unanimous Consent of Holders. Notwithstanding anything contained in the foregoing provisions of this Article, the terms and provisions of this Bond Order or any order supplemental hereto and the rights and obligations of the District and of the Holders of the Bonds may be modified or amended in any respect upon the adoption by the Governing Body of an order to that effect, approved by the Bond Registrar, and the filing with the Governing Body of the written consent of the Commission and the Holders of all the Bonds. No notice to Holders shall be required.

ARTICLE XI MISCELLANEOUS PROVISIONS

Section 11.01. Discharge of Bond Order. If, when the Bonds secured hereby shall have become due and payable in accordance with their terms or shall have been duly called for redemption and the whole amount of the principal and the interest and premium, if any, so due and payable upon all of the Bonds then outstanding shall be paid, then and in that case the right, title and interest of the Holders of the Bonds secured hereby in the Net Revenues and funds mentioned in this Bond Order shall thereupon cease, terminate and become void, and the District, in such case, may apply any and all balances remaining in any funds or accounts to any lawful purpose of the District as the Governing Body shall determine; otherwise this Bond Order shall be, continue and remain in full force and effect.

Section 11.02. Payments When Funds are Insufficient. Anything in this Bond Order to the contrary notwithstanding, if at any time moneys are insufficient to pay the interest on or the principal of the Bonds as the same become due and payable (either by their terms or by acceleration of maturities), all moneys in the Revenue Fund, together with any moneys then available or thereafter becoming available for such purpose, after payment of all Operating Expenses then due and payable, shall be applied as follows:

(a) Unless the principal of all the Bonds shall have become or shall have been declared due and payable, all such moneys shall be applied

first: to the payment to the persons entitled thereto of all installments of interest then due, in the order of the maturity of the installments of such interest, and if the amount available shall not be sufficient to pay in full any particular installment, then to the payment ratably, according to the amounts due on such installment, to the persons entitled thereto, without any discrimination or preference except as to any difference in the respective rates of interest specified in the Bonds;

second: to the payment to the persons entitled thereto of the unpaid principal of any of the Bonds which shall have become due (other than Bonds called for redemption for the payment of which moneys are held pursuant to the provisions of this Bond Order), in the order of their due dates, with interest on such Bonds from the respective dates upon which they became due, and, if the amount available shall not be sufficient to pay in full Bonds due on any particular date, together with such interest, then to the payment ratably, according to the amount of principal due on such date, to the persons entitled thereto without any discrimination or preference; and

third: to the payment of the interest on and the principal of the Bonds, to the purchase and retirement of Bonds and to the redemption of Bonds, all in accordance with the provisions of Article IV.

(b) If the principal of all the Bonds shall have become due or shall have been declared due and payable, all such moneys shall be applied to the payment of the principal and interest then due and unpaid upon the Bonds without preference or priority of principal over interest or of interest over principal, or of any installment of interest over any other installment of interest, or of any Bond over any other Bond, ratably, according to the amounts due respectively for principal and interest, to the persons entitled thereto without any discrimination or preference except as to any difference in the respective rates of interest specified in the Bonds.

(c) If the principal of all of the Bonds shall have been declared due and payable and if such declaration shall thereafter have been rescinded and annulled, then the moneys then remaining in and thereafter accruing to the Revenue Fund shall be applied in accordance with the provisions of paragraph (a) of this Section.

Section 11.03. Effect of District's Undertakings. All of the covenants, stipulations, obligations and agreements contained in this Bond Order shall be deemed to be covenants, stipulations, obligations and agreements of the District to the full extent authorized or permitted by law, and all such covenants, stipulations, obligations and agreements shall be binding upon the successor or successors thereof from time to time, and upon any officer, Council, commission, authority, agency or instrumentality to whom or to which any power or duty affecting such covenants, stipulations, obligations and agreements shall be transferred by or in accordance with law.

The District shall have the right to enter into a contract with any public or private agency for the maintenance, operation and improvement of the System for such periods of time and under such terms and conditions which are not inconsistent with the provisions of this Bond Order as the Governing Body shall determine to be in the best interests of the District and of the Holders of Bonds issued pursuant to the provisions of this Bond Order.

Section 11.04. Notices. Any notice, demand, direction, request or other instrument authorized or required by this Bond Order to be given to or filed with the District or the Bond Registrar shall be deemed to have been sufficiently given or filed for all purposes of this Bond Order if and when sent by registered or certified mail, return receipt requested, to the District or the Bond Registrar if addressed to Water District II at c/o Bertie County, North Carolina, Post Office Box 530, Windsor, North Carolina 27983, Attention: County Manager; and to the Commission, if addressed to the Secretary, Local Government Commission, 3200 Atlantice Avenue, Longleaf Building, Raleigh, North Carolina 27604.

Section 11.05. Execution of Instruments by Holders and Proof of Ownership of Bonds. Any request, direction, consent or other instrument in writing required or permitted by this Bond Order to be signed or executed by Holders may be in any number of concurrent instruments of similar tenor and may be signed or executed by such Holders in person or by agent appointed by an instrument in writing. Proof of the execution of any such instrument and of the ownership of Bonds shall be sufficient for any purpose of this Bond Order, and shall be conclusive in favor of

the Bond Registrar with regard to any action taken by it under such instrument, if in accordance with the registration books maintained for the bonds.

Any request or consent of the Holder of any Bond shall bind every future Holder of the same Bond in respect of anything done by the Bond Registrar in pursuance of such request or consent.

Section 11.06. Parties Interested Herein. Except as herein otherwise expressly provided, nothing in this Bond Order expressed or implied is intended or shall be construed to confer upon any person, firm or corporation other than the District, the Bond Registrar and the Holders of the Bonds issued under and secured by this Bond Order any right, remedy or claim, legal or equitable, under or by reason of this Bond Order or any provision hereof, this Bond Order and all its provisions being intended to be and being for the sole and exclusive benefit of the parties hereto and the Holders from time to time of the Bonds issued hereunder.

Section 11.07. Limited Obligations on Bonds. Nothing in the Bonds or in this Bond Order shall be construed as pledging either the faith and credit or the taxing power of the District for their payment, or to create any debt against the District except as payable from Net Revenues, or as conveying or mortgaging the System or any part thereof. No Holder of Bonds has the right to compel the exercise of the taxing power of the District or the forfeiture of any of its property, other than Net Revenues, in connection with any default hereunder.

Section 11.08. No Recourse Against Members, Officers or Employees of the District or the Commission. No recourse under, or upon, any statement, obligation, covenant or agreement contained in this Bond Order, or in any Bond or bond anticipation note hereby secured, or in any document or certification whatsoever, or under any judgment obtained against the District or the Commission, or by the enforcement of any assessment, or by any legal or equitable proceeding by virtue of any constitution or statute or otherwise or under any circumstances, shall be had against any member, officer or employee of the District or the Commission, either directly or through the District for the payment for or to, the District or the Commission or any receiver of either of them, or for, or to, any owner or holder of Bonds or bond anticipation notes or otherwise, of any sum that may be due and unpaid upon any such Bond or bond anticipation note. Any and all personal liability of every nature, whether at common law or in equity or by statute or by constitution or otherwise, of any such member, officer or employee to respond by reason of any act or omission on his or her part or otherwise, for the payment for, or to, the District or the Commission or any receiver of either of them, or for, or to, any owner or holder of Bonds, bond anticipation notes or otherwise, of any sum that may remain due and unpaid upon the Bonds or bond anticipation notes hereby secured or any of them, is hereby expressly waived and released as an express condition of, and in consideration for, the adoption of this Bond Order and the issuance of the Bonds.

Section 11.09. Severability of Invalid Provisions. In case any one or more of the provisions of this Bond Order or of the Bonds issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Bond Order or of the Bonds, but this Bond Order and the Bonds shall be construed and enforced as if such illegal or invalid provision had not been contained therein. In case any covenant,

stipulation, obligation or agreement contained in the Bonds or in this Bond Order shall for any reason be held to be in violation of law, then such covenant, stipulation, obligation or agreement shall be deemed to be the covenant, stipulation, obligation or agreement of the District to the full extent permitted by law.

Section 11.10. Issuance of Subordinate Obligations and Expenditures for System Improvements. Nothing in this Bond Order express or implied shall be construed as preventing the District from financing System Improvements (or acquisition or improvement of assets of the District other than the System) by the issuance of obligations which are not secured under the provisions of this Bond Order or from making expenditures for System Improvements from moneys received by the District solely for such purpose. Any Subordinate Indebtedness shall include a provision prohibiting acceleration thereof while any Bonds are Outstanding hereunder.

Section 11.11. Applicable Law. This Bond Order is adopted with the intent that the laws of the State of North Carolina shall govern its construction.

Section 11.12. Headings, Etc. Any headings preceding the texts hereof and any table of contents or marginal notes appended to copies hereof, shall be solely for convenience of reference and shall not constitute a part of this Bond Order, nor shall they affect its meaning, construction or effect.

Section 11.13. Officers' Authority. The officers and agents of the District are hereby authorized and directed to do all the acts and things required of them by the Bonds and this Bond Order for the full, punctual and complete performance of all of the terms, covenants, provisions and agreements contained in the Bonds and this Bond Order.

Section 11.14. Inconsistent Matters. All orders and resolutions and parts thereof, which are in conflict or inconsistent with any provisions of this Bond Order are hereby repealed and declared to be inapplicable to the provisions of this Bond Order.

Section 11.15. Effective Date. This Bond Order shall be effective immediately upon its adoption.

Commissioner _____ moved the passage of the foregoing resolution and
Director _____ seconded the motion and the resolution was passed by the following
vote:

Ayes: Commissioner _____

Nays: Commissioner _____

Not voting: Commissioner _____

I, Sarah S. Tinkham, Clerk for the Board of Commissioners of Bertie County, sitting as the Board of Commissioners of Bertie County Water District III, DO HEREBY CERTIFY that the foregoing is a true and complete copy of so much of the proceedings of the Board of Commissioners for the District at a regular meeting duly called and held on September __, 2016, and that the proceedings of such meeting are recorded in the Minutes of the Board of Commissioners. Pursuant to G.S. § 143-318.12, a current copy of a schedule of regular meetings of the District Board of Commissioners of the District is on file in my office.

WITNESS my hand and the official seal of the District this __ day of September, 2016.

Sarah S. Tinkham, Clerk to the Board

(SEAL)

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BERTIE COUNTY WATER DISTRICT III
REVENUE BOND FINANCING SCHEDULE

<u>NCGS §</u>	<u>Action Item</u>	<u>Date</u>
159-85	Resolution authorizing filing of application, naming the professionals and requesting LGC approval	8/1/2016
159-85	Application to LGC	ASAP
159-161	District sends RFP to Banks seeking proposals to purchase Bond Anticipation Note	End of August
159-86 & 159-87	LGC Approves Application	9/6/2016
159-88	Resolution adopting Bond Order and Series Resolution authorizing issuance of Bond Anticipation Notes	9/6/2016 or 9/19/2016
159-165	Sale and closing of Bond Anticipation Notes	End of September



Bertie County

Board of Commissioners

ITEM ABSTRACT

MEETING DATE: August 1, 2016

AGENDA ITEM: D-2

DEPARTMENT: Various

SUBJECT: Review of pending items

COUNTY MANAGER RECOMMENDATION OR COMMENTS: FYI

SUMMARY OF AGENDA ITEM AND/OR NEEDED ACTION(S): FYI

ATTACHMENTS: No

LEGAL REVIEW PENDING: N/A

ITEM HISTORY: ---



Bertie County

Board of Commissioners

ITEM ABSTRACT

MEETING DATE: August 1, 2016

AGENDA ITEM: D-3

DEPARTMENT: Governing Body

SUBJECT: Confirmation of Board meeting schedule for August and September

COUNTY MANAGER RECOMMENDATION OR COMMENTS: Discussion requested.

SUMMARY OF AGENDA ITEM AND/OR NEEDED ACTION(S): Discussion requested.

ATTACHMENTS: No

LEGAL REVIEW PENDING: N/A

ITEM HISTORY: ---