

**Windsor, North Carolina**  
**May 1, 2017**  
**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  
County Attorney Lloyd Smith  
Finance Officer William Roberson  
Tax Administrator Jodie Rhea  
Economic Development Director Steve Biggs  
Council on Aging Director Venita Thompson

Gene Motley of the Roanoke-Chowan News Herald and Leslie Beachboard of the Bertie-Ledger Advance were 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**

Commissioner Wesson led the Invocation and Pledge of Allegiance.

## **PUBLIC COMMENTS**

Tim Bazemore, Jr. of Cedar Landing Road presented his concerns about the current budget shortfall facing the Board of Education, as well as regarding a Mustang that was declared to be surplus property, advertised, and then sold to Sheriff Holley. Mr. Bazemore suspected that there was “waste, fraud, and abuse” surrounding the transaction.

Edward Pierce of Windsor wanted to thank the Methodist Men and the faith based organizations for their assistance in repairing his home after Hurricane Matthew. He stated that his home was not even located within the flood zone. He also pleaded that the Board find solutions to prevent this flooding from happening again in the future.

Commissioner Wesson mentioned that he had received reports from residents in the White Oak Road area about homes flooding despite being outside of the flood zone. As such, that area of homes was added to the request for resiliency funding for flooding improvements.

## APPOINTMENTS

### **2nd meeting – Commissioners convene as the Board of Equalization and Review – Tax Administrator, Jodie Rhea**

Commissioner Lee made a **MOTION** for the Board of Commissioners to convene for the second time as the Board of Equalization and Review. Commissioner Wesson **SECONDED** the motion. The **MOTION PASSED** unanimously.

The Board now convenes as the Board of Equalization and Review.

Tax Administrator, Jodie Rhea, stated that no new appeal had been made, and then deferred to Coastal Medical Transport's Tim Bazemore, Jr. to discuss his business personal property appeal still under review.

Mr. Bazemore noted that the company's new CPA was due to bring him information about the state of his business's financial affairs, but due to the 2017 Tax Season, the CPA had not yet had time to review his concerns.

Tax Administrator Rhea mentioned that there was no precedence at this time that the Board could look to in this situation, and the handling of it is entirely up to their discretion.

Chairman Trent made a **MOTION** for Coastal Medical Transport be granted an additional 30-days to hear back from its CPA before the original recommendation from the Tax Administrator be upheld. Commissioner Wesson **SECONDED** the motion. The **MOTION PASSED** unanimously.

At this time, Chairman Trent called for a motion to adjourn as the Board of Equalization and Review for FY 2016-2017. Commissioner Wesson made the requested **MOTION**. Commissioner Lee **SECONDED** the motion. The **MOTION PASSED** unanimously.

### **ABC Board annual report and check presentation by ABC Board Chair, Miles Davis**

ABC Board Chair, Miles Davis, was present to deliver a check to the County from the net profits earned from the ABC Store in Windsor. Mr. Davis also introduced his Board members including James Pugh, Michael Freeman, and Clinton Freeman.

Each Board member discussed their vision for the Board including a new, better working relationship with the school system, additional prevention efforts for under aged drinking, and their current policy of requiring identification for anyone who appears to be under 30 years old.

Commissioner Wesson inquired if the ABC Board had determined any need for a second ABC Store in the County.

Mr. Davis stated that they are always gauging interest for a new location, but also discussed the various costs involved since the ABC Store is not a government funded agency with government employees. He also mentioned that a location was being considered for the Lewiston-Woodville area, but no concrete plans had been set.

Mr. Pugh also recognized Mr. Davis for his achievements on the ABC Executive Director's Board for the State of North Carolina.

### **Update by Chris Hilbert of Holland Consulting Planners**

Chris Hilbert of Holland Consulting Planners was present to provide an update about the efforts being made to secure buy out and hazard mitigation applications in both the Town of Windsor and within Bertie County.

Mr. Hilbert stated that 95 applications had been submitted with a deadline that was extended until May 12<sup>th</sup>.

Out of the 95 applications received, 11 applications are for elevation, and the rest are for a potential buy-out program, if it were to become available. If funded, the applications would total \$10.5 million dollars in buy out or elevation costs.

### **Update by Marc Finlayson of the Highway 17 project**

Marc Finlayson of the Highway 17 project was present to update the Board on the latest efforts for the Highway 17 project.

Mr. Finlayson stated that \$1.3 billion has been invested in the various eleven (11) Highway 17 projects, and he thanked Senators Burr, Tillis, and former Governor, Pat McCrory, for this investment.

There was a brief discussion regarding the damage that the current Highway 17 sustained due to the two recent flooding events in the County. Regarding the impact in Bertie County, the Highway 17/64 Association would upgrade US 17 to Interstate standards on either side of the Chowan River, as well as create a four lane US 17 between Washington and Williamston.

The Board thanked Mr. Finlayson for his presentation, and requested that he return again in the future with any updates.

Vice Chairman Bazemore also encouraged Mr. Finlayson to not forget turn lanes and welcome signs for the County, as well as the County's water front access on the Albemarle Sound.

### **Pound the Sound update and request for contribution by the Windsor-Rotary Club**

Lewis Hoggard and Crystal Godwin of the Windsor Rotary Club were present to make a formal funding request for this year's Pound the Sound Event on Saturday, June 10<sup>th</sup>.

Mr. Hoggard stated that currently, 33 participants had already signed up for the event, and that more were expected to complete a registration in the next several weeks as weather forecasts are more accurate at that time.

Ms. Godwin also briefly discussed how proceeds from the event are used to support the Bertie County YMCA in Windsor, as well as to the Windsor Rotary Club. Funds are also saved for the following year's Pound the Sound event.

The Board stated that their funding request had already been approved, and the Pound the Sound event would receive the same allotment as last year (\$5,000) per their meeting on April 24th.

### **BOARD APPOINTMENTS**

There were no Board Appointments.

### **CONSENT AGENDA**

Upon review by Chairman Trent, Vice Chairman Bazemore made a **MOTION** to approve the Consent Agenda in its entirety. Commissioner Lee **SECONDED** the motion. The **MOTION PASSED** unanimously.

The Consent Agenda was approved as follows:

1. **Minutes** – Regular Session 4-17-17, Work Session 4-24-17
2. **Fees Report** – Register of Deeds – April 2017
3. **Budget Amendment** – #17-08

## **DISCUSSION AGENDA**

### **Discuss approval of lease for a temporary Lawrence Memorial Library location – Food Lion**

County Manager Sauer deferred to County Attorney, Lloyd Smith.

Mr. Smith mentioned that several items were still being discussed between the County and the owners of the Food Lion Shopping Center, but that the process has been efficient.

### **i Discussion of congregate meal bids with Council on Aging Director, Venita Thompson**

Council on Aging Director, Venita Thompson, discussed the latest request for bid process for the senior center congregate meals for the upcoming fiscal year. Trump's Restaurant was the only company to submit a bid, although other local businesses did show interest in a bid application.

Trump's Restaurant was the only bid received despite the other businesses that showed interest.

Ms. Thompson expressed her support for Trump's Restaurant to remain at the provider as it has always provided excellent service, care, and food to the senior citizens in the last several years.

Vice Chairman Bazemore made a **MOTION** to approve the bid submitted by Trump's Restaurant (\$4.95 per meal) for FY2017-2018. Commissioner Lee **SECONDED** the motion. The **MOTION PASSED** unanimously.

### **Review Closed Session minutes with County Attorney to prepare for release**

County Attorney Smith requested that the Board discuss these items in Closed Session before the conclusion of today's meeting.

### **Consider proposed waterline extension policy**

The Board had a lengthy discussion regarding the proposed waterline extension policy as drafted by Green Engineering.

The policy was initiated because of a request received from a poultry farm owner looking to connect to County water in the Roquist Pocosin area.

The Board discussed their concerns, and County Attorney Smith also shared his concerns from a legal standpoint. As written, Mr. Smith cautioned that the policy is not enforceable.

Water Superintendent, Ricky Spivey, made a brief appearance for this portion of the meeting to hear the Board's feedback, as well as to suggest this draft only as a first reading.

County Manager Sauer reiterated that this could be a first reading, and that additional changes will now be made for further Board review.

## COMMISSIONER'S REPORTS

Commissioner Lee encouraged the Board to add Meghan Callahan, the recently deceased Sergeant at Bertie Correctional Institute, to the monument of fallen officers next to the Bertie Courthouse. She mentioned that the monument could be fitted for side extensions to allow room for her name, as well as any other fallen officers in the future.

Commissioner Lee made a **MOTION** to add Sgt. Callahan's name to the fallen officer memorial as stated in her report. Commissioner Wesson **SECONDED** the motion. The **MOTION PASSED** unanimously.

Commissioner White reminded the Board about Powellsville Awareness Day this Saturday, May 6<sup>th</sup>. He also reported that he had heard from other frustrated counties around the State at the NCACC District Meeting last week regarding FEMA's disaster response during Hurricane Matthew.

Chairman Trent honored the late Harold Leslie Parker of the Kelford Volunteer Fire Department. Mr. Parker was laid to rest just prior to today's meeting.

Vice Chairman Bazemore discussed her latest meeting in Lexington, NC which was an NCACC Board of Directors meeting to discuss opioid abuse. In addition, she discussed an initiative she had learned about during the North Carolina Black Summit in Raleigh which was an initiative with Google providing internet access on school buses in Tier 1 counties so that students who live further away from school could study and complete homework to and from school.

Commissioner Wesson commended Vice Chairman Bazemore for her work in pushing for a disaster recovery and resiliency effort in NC with all representatives on the State level, and that over \$200 million has been set aside for recovery and resiliency efforts. Additionally, Mr. Wesson discussed fundraising efforts for the after-school backpack program which provides healthy meals to low income students over the weekend. He stated that the program was featured in a Catholic Charities magazine which garnered enough exposure to raise \$3,800 thus far for the program.



## COUNTY MANAGER'S REPORTS

County Manager Sauer reported that an emergency request was just received from the Bertie County Board of Education regarding the transferring of \$100,000 from the capital reserve to the General Fund to help with operational expenses. According to State statutes, the Governing Body must authorize these transactions first.

Commissioner Wesson made a **MOTION** for the Bertie County School System to transfer \$100,000 in capital outlay funds to the General Fund for current expense operational costs. Vice Chairman Trent **SECONDED** the motion. The **MOTION PASSED** unanimously.

Commissioner Wesson requested that the Board of Education submit a line-by-line item detail for this funding.

Additionally, County Manager Sauer discussed that the County was still operating under the impression that FEMA would be coming through with the funding for the new EMS Station 1, and that the County now needed to engage an engineer for building plans, as well as quotes for the building cost.

County Manager Sauer stated that staff was in the process of engaging a design professional—Smith Engineering and Design, P.A., out of Goldsboro, NC for development of bid specs for the EMS Station 1 interior buildout. The exterior structure will be a pre-engineered building which is “sealed” and meets building code requirements.

Mr. Sauer mentioned that a brief resolution, or recommended motion for the Board to consider exempting the County from the Mini-Brooks Act.

He also cited and explained North Carolina General Statute 143-64.32 authorizes a unit of local government to exempt itself from the Mini-Brooks Act, which means that it will not be required to use the QBS process and may select an architect, engineer, surveyor, or alternative construction delivery method firm by whatever method it chooses (or no method at all). The statute does not impose much by way of requirements for utilizing the exemption – it simply requires the unit to put the exemption in writing. However, the exemption is capped at \$50,000, meaning the estimated cost of the contract cannot exceed this amount. Contracts with an estimated cost of \$50,000 or more *cannot* be exempted and the QBS process *must* be used.

Further, this statute does not require the unit to provide any justification for utilizing the exemption. The statute merely requires the exemption be in writing and the estimated cost of the contract be less than \$50,000. Although units are not required to provide a justification for using the exemption, units may choose to do so as long as the justification is not for an illegal purpose (for example, citing a justification that constitutes unlawful discrimination).

The estimated fee from Smith Engineering is estimated at \$2,500 which is well below the \$50,000 threshold.

Smith Engineering and Design, P.A. came highly recommended by the County's water engineers, Green Engineering, and Smith Engineering could have building plans to the County within a few weeks.

Commissioner White made a **MOTION** for the County to engage with Smith Engineering in the amount of \$2,500 for building plans and cost estimates for the new EMS Station 1. Commissioner Lee **SECONDED** the motion. The **MOTION PASSED** unanimously.

At this time, Economic Development Director, Steve Biggs, was present to provide a resolution from the NC Department of Commerce. The resolution serves as a letter of support for a grant being issued to Abram's Restaurant to use the old Windsor Hardees building for an additional location. The chain would bring approximately 18 new jobs to the County, and the cost to support the grant application would be split between the County and the Town of Windsor in the amount of \$3,765.

Commissioner White made a **MOTION** to approve the resolution of grant support for Abram's Restaurant, as well as to share the cost with the Town of Windsor in the amount of \$3,765. Commissioner Wesson **SECONDED** the motion. The **MOTION PASSED** unanimously.

Mr. Biggs reported that \$385,770 would be invested in the old Hardees building just outside of Windsor.

County Manager Sauer also reminded the Board of the notification from Kate B. Reynolds regarding the Blue Jay Recreation Park, and the award of \$150,000. A letter of grant acceptance would be provided to the County in the very near future.

Additionally, County Manager Sauer reported that four (4) new grant applications were submitted to Golden Leaf Foundation earlier today for the flooding drainage system at the Cashie River, the former Lawrence Memorial Public Library and the County Cooperative Extension Office, as well as EMS Station One.

### **COUNTY ATTORNEY'S REPORTS**

The County Attorney gave no remarks at this time.

**PUBLIC COMMENTS**

There were no public comments during this section.

**CLOSED SESSION**

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

**OPEN SESSION**

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

**ADJOURN**

Chairman Trent **ADJOURNED** the meeting at 6:25 PM.

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John Trent, Chairman

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Sarah S. Tinkham, Clerk to the Board