

Bertie County Board of Commissioners



October 1, 2018
6:00 PM

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

BERTIE COUNTY BOARD OF COMMISSIONERS

October 1, 2018

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.

6:00 Call to Order and Welcome by Chair Bazemore, Commissioners Room, Windsor

Invocation and Pledge of Allegiance by Commissioner Wesson

Public Comments (*3 minute time limit per speaker*)

(A)

***** APPOINTMENTS *****

(1) Oath of Office – Commissioner Trent – Roanoke-Chowan Board of Trustees, by Clerk of Superior Court, Vasti F. James

(2) Revaluation Team Introductions – Tax Administrator, Jodie Rhea

(3) Introduction of John White, Legislative Director for NC Department of Commerce

(4) Introduction of Amtrak Passenger Rail Station in Weldon, NC by Economic Development Director, Steve Biggs

Board Appointments (B)

1. Bertie County Library Board

Consent Agenda (C)

1. Approve Minutes for Regular Meeting 9-10-18
2. Approve Minutes for Work Session 9-10-18
3. Approve Minutes for Closed Session 9-10-18
4. Register of Deeds Fees Report – September 2018
5. Budget Amendments
6. Tax Release Journal – August 2018
7. Solid Waste Landfill Disposal Franchise Ordinance to be effective October 1, 2018

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

Discussion Agenda (D)

1. Fire Code Enforcement Updates by Planning Director, Traci White
2. Discuss Public Hearing for Airport Height Ordinance
3. Local Option Use and Sales Tax public education advertising
4. Discuss resolution submitted by Commissioner Lee – protecting NC farmers
5. Discuss proposed Social Media Comments and Public Records Policy – Bertie County Government Facebook page
6. Set 2018 Employee Luncheon date – Thursday, December 6, 2018

Commissioners' Reports (E)

County Manager's Reports (F)

County Attorney's Reports (G)

Public Comments Continued

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.

Adjourn



Bertie County

Board of Commissioners

ITEM ABSTRACT

MEETING DATE: October 1, 2018

SECTION: Appointments

DEPARTMENT: Governing Body

TOPICS:

- (1) Oath of Office – Commissioner Trent – Roanoke-Chowan Board of Trustees, by Clerk of Superior Court, Vasti F. James
- (2) Revaluation Team Introductions – Tax Administrator, Jodie Rhea
- (3) Introduction of John White, Legislative Director for NC Department of Commerce
- (4) Introduction of Amtrak Passenger Rail Station in Weldon, NC by Economic Development Director, Steve Biggs

COUNTY MANAGER RECOMMENDATION OR COMMENTS:

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

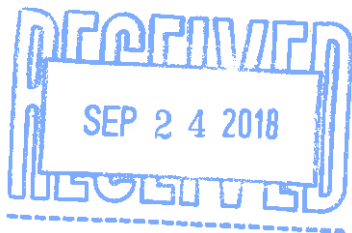
ATTACHMENTS: Yes

LEGAL REVIEW PENDING: N/A

ITEM HISTORY: ---



A-1



September 18, 2018

Mrs. Ernestine Bazemore, Chairperson
Bertie County Board of Commissioners
PO Box 530
Windsor, NC 27983

RE: Resolution Supporting the Location of Amtrak Passenger Rail Station in Weldon, NC

Dear Chairperson Bazemore:

Our County leaders, the Halifax County Economic Development Commission, the Halifax County Convention & Visitors Bureau, and the Town of Weldon have been working collaboratively to push for passenger rail service in our area. The location of a rail station in Weldon will provide access to passenger rail for approximately 122,000 residents that live more than 30 minutes from a passenger rail station. We have built a strong case for the logistical and economic feasibility of an Amtrak station in Weldon to serve Halifax County and Northeastern North Carolina. The project is intrinsically tied to freight and logistics improvements that NCDOT will make to serve the CSX Intermodal facility to be constructed on US Highway 301 near Rocky Mount.

We need your support. Please present the enclosed **“Resolution Supporting The Location Of A Passenger Rail Station & Service In Weldon, NC”** for consideration of adoption at your next meeting. This Resolution speaks to the importance of this project and the show of support from counties in Northeastern North Carolina will add tremendous value to our efforts.

Additional details about the project and its benefits are enclosed. If you have any questions or need additional information, please do not hesitate to call me at 252-519-2630.

Thank you in advance for your support and assistance. Working together works!

Sincerely,

Cathy A. Scott
Executive Director

Enclosures

CC: Mr. Scott Sauer, County Manager

Halifax County Economic Development Commission

260 Premier Boulevard • Roanoke Rapids, NC 27870

Phone (252) 519-2630 • Fax (252) 519-2632

E-Mail: cathyscott@halifaxdevelopment.com • Website: www.halifaxdevelopment.com



BERTIE COUNTY

106 DUNDEE STREET
POST OFFICE BOX 530
WINDSOR, NORTH CAROLINA
27983
(252) 794-5300
FAX: (252) 794-5327
WWW.CO.BERTIE.NC.US

BOARD OF COMMISSIONERS

ERNESTINE (BYRD) BAZEMORE, Chair
RONALD WESSON, Vice Chairman
STEWART WHITE
TAMMY A. LEE
JOHN TRENT

RESOLUTION SUPPORTING THE LOCATION OF A PASSENGER RAIL STATION & SERVICE IN WELDON, NC

WHEREAS, many towns and economic centers in northeastern North Carolina were formed along railroads and continue to rely on this critical infrastructure to support economic progress; and

WHEREAS, the Town of Weldon has a rich rail history as the home of the Wilmington and Weldon Railroad, the longest railroad in the world at the time of completion in 1840; and

WHEREAS, railroads continue to be vital to the growth of North Carolina's economy and to the development, strength and diversity of its businesses and education, cultural, and civic institutions; and

WHEREAS, the ability for the Weldon, Halifax County and the surrounding area to compete in a global economy requires an efficient and diverse transportation network to provide stable transportation costs and to increase travel between metropolitan communities and regions; and

WHEREAS, the location of a passenger rail station in Weldon will provide access to passenger rail for approximately 122,000 residents that live more than 30 minutes from a passenger rail station; and

WHEREAS, passenger trains offer an economical mode of transportation that is usually less expensive than driving or flying and CLOSER to communities than commercial airports; and

WHEREAS, passenger rail access in Weldon, NC will connect the Northeast region to education and employment opportunities in urban areas and improve the quality of life and income levels of its residents; and

WHEREAS, passenger rail service in Weldon, NC will stimulate economic activity and spur private investment in the area around the rail station; and

WHEREAS, a passenger rail station in Weldon, NC will support commercial activity by bringing visitors into proximity of shopping, retail, tourism, and other destinations, thereby increasing business activity and tax revenues; and

WHEREAS, the location of a passenger rail station and service in Weldon, NC is the highest priority rail project in Halifax County; and

WHEREAS, the Town of Weldon, by resolution, has authorized the Weldon Library as the location of passenger rail station.

NOW, THEREFORE, BE IT RESOLVED by the _____, **THAT:**

- The _____ supports the NC Department of Transportation's (NCDOT's) plans to construct a second Roanoke River crossing which will include approximately 10.5 miles of double track across the National Gateway Corridor.
- The _____ supports the location of an Amtrak Passenger Train Station in Weldon, North Carolina.

Adopted this 1st day of October, 2018.

Chairman

Secretary or Clerk

WELDON AMTRAK STOP & STATION

The Town of Weldon, Halifax County, Halifax County Convention & Visitors Bureau, and Halifax County Economic Development Commission are working with the North Carolina Department of Transportation, CSX Transportation, and Amtrak to bring an Amtrak stop and station to Weldon, NC. The project is a part of the “*Second Roanoke River Crossing & Weldon Passenger Station Project*” included in an application for USDOT BUILD grant funds.

Why Weldon?

- No Train Station in NC North of Rocky Mount. Train Riders must drive south to Rocky Mount, NC or North to Petersburg, VA.
- Amtrak service to Weldon, NC would benefit northeastern North Carolina's residents, businesses and corporate partners.
- Halifax County is already a tourist attraction and can expand.
- Weldon should exploit its historic pioneering railroad connection to maximize tourism and commercial activities.
- This station would renovate the historic depot for Amtrak passengers and house several tenants in addition to Amtrak.



The existing Roanoke River bridge substructure is still intact and suitable to support the planned replacement Roanoke River Bridge.

The Second Roanoke River Crossing & Weldon Passenger Station project will add capacity and increase the fluidity of the CSX freight intermodal network in North Carolina, ensuring connections between the Southeast, Mid-Atlantic, Northeast, Midwest, and international ports on the eastern seaboard are maintained and enhanced. Additionally, the project will improve access to economic opportunities for rural northeastern North Carolina. The project includes constructing approximately 10.5 miles of double track over a critical segment of the National Gateway rail corridor, the construction of a passenger platform, and the renovation of a station building owned by the Town of Weldon. Project benefits include:

- Enhanced flow of goods up and down the East Coast, providing improved access to international ports and regional intermodal terminals. The project capitalizes on previous investments in the National Gateway, the Atlantic Gateway, and the CCX intermodal hub.
- Improved state of good repair by providing the redundancy for the only existing rail bridge over the Roanoke River on the corridor.
- Reduced delays by eliminating conflicts between freight trains and passenger trains.
- New passenger train service to one of North Carolina's most economically disadvantaged counties (Halifax County), providing rural residents with improved access to jobs and education via Amtrak *Carolinian* and *Palmetto* passenger services.

PLEASE SUPPORT OUR APPLICATIONS FOR USDOT TIGER GRANT & INFRA FUNDS

Town of Weldon
Julia Meacham, Mayor
mayorjmeacham@historicweldonnc.com
252-536-4836

Halifax County CVB
Lori Medlin
lmedlin@visithalifax.com
252-535-1687

Halifax County
Tony Brown, County Manager
brownnt@halifaxnc.com
252-583-1131

Halifax County EDC
Cathy Scott
cathyscott@halifaxdevelopment.com
252-519-2630

NCDOT
Eddie McFalls
ebmcfalls@ncdot.gov
919-707-4727



OPPORTUNITY

for

WELDON

to bring back



PASSENGER TRAIN SERVICE

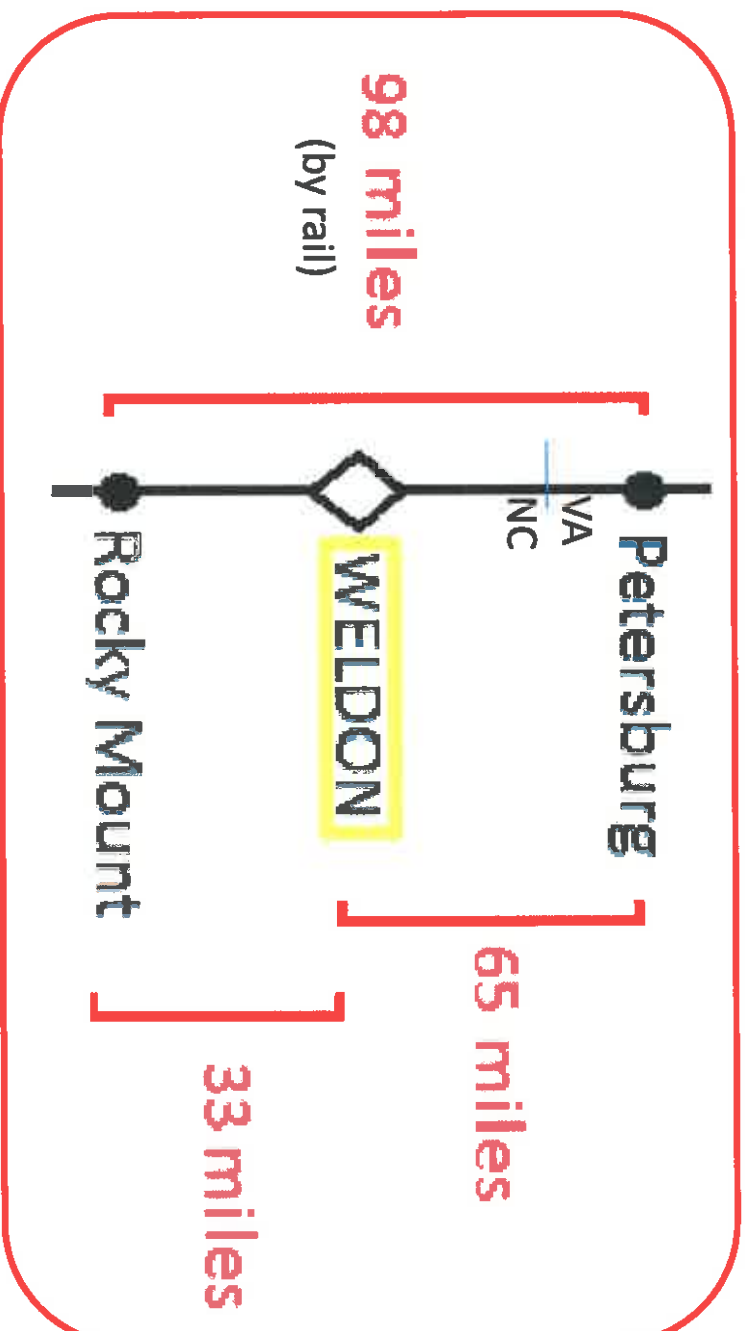
and be joined to

Amtrak's National Network

April 4, 2017

Amtrak Passenger Rail Service
is another
Travel Option
for
Businesses, Residents & Tourists
in
NORTHEASTERN
NORTH CAROLINA


WHY No Train Station in NC WELDON? north of Rocky Mount



TRAIN RIDERS MUST DRIVE SOUTH TO ROCKY MOUNT
OR NORTH TO PETERSBURG, VA

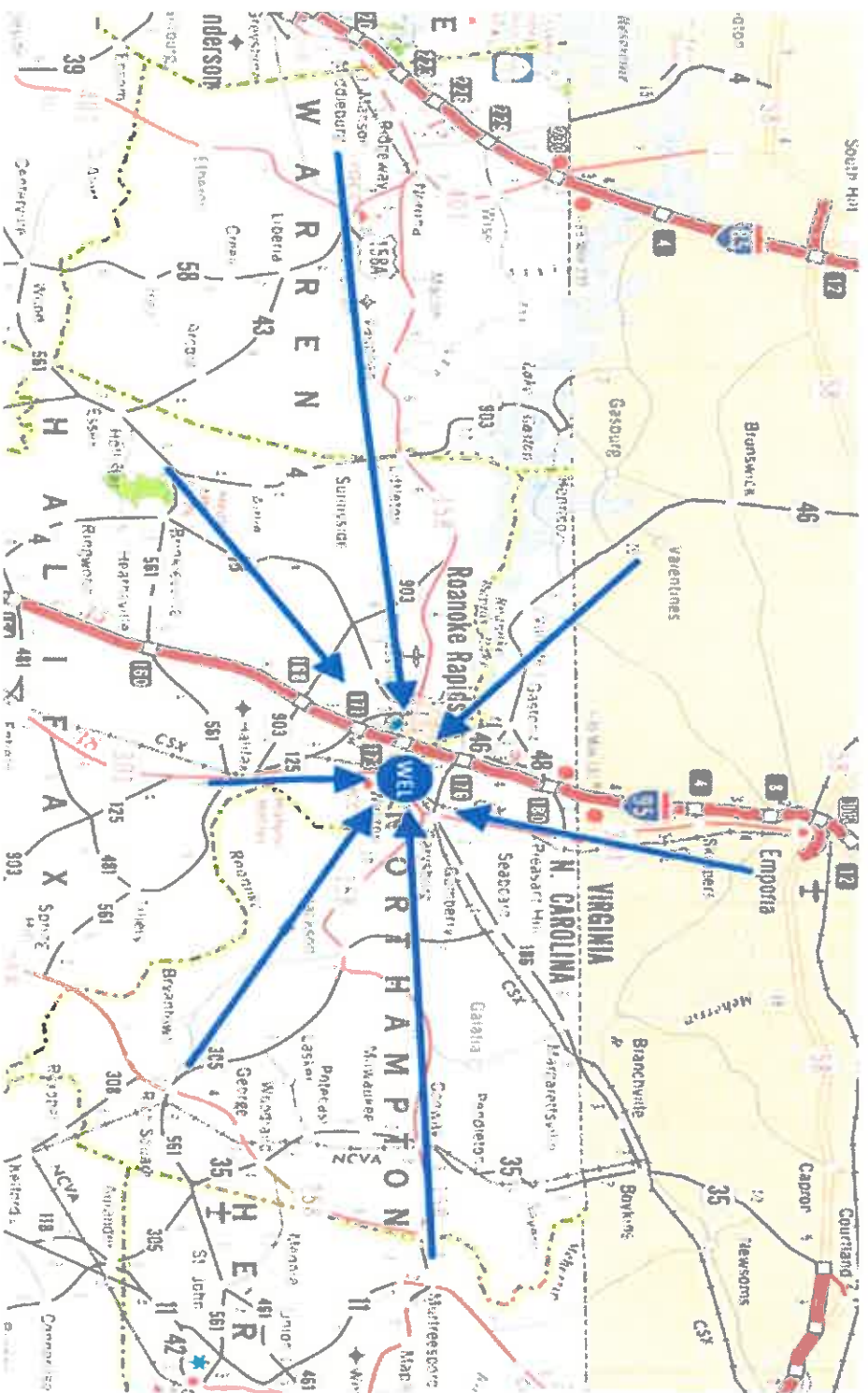
Possible Passenger Trains to stop at Weldon

Approximate arrival/departure times*

Train	Route	North	South	Time of Day
Carolinian	New York-Charlotte via Rocky Mount, Wilson, Selma, Raleigh, Cary, Durham, Burlington, Greensboro, High Point, Salisbury & Kannapolis	12:30 pm	2:45 pm	
Palmetto	New York-Savannah via Rocky Mount, Wilson, Selma & Fayetteville	3:30 pm	3:00 pm	

*Based on scheduled departure and arrival times at Rocky Mount and Petersburg, and distance in between.

Weldon Amtrak Station should attract passengers from several counties...

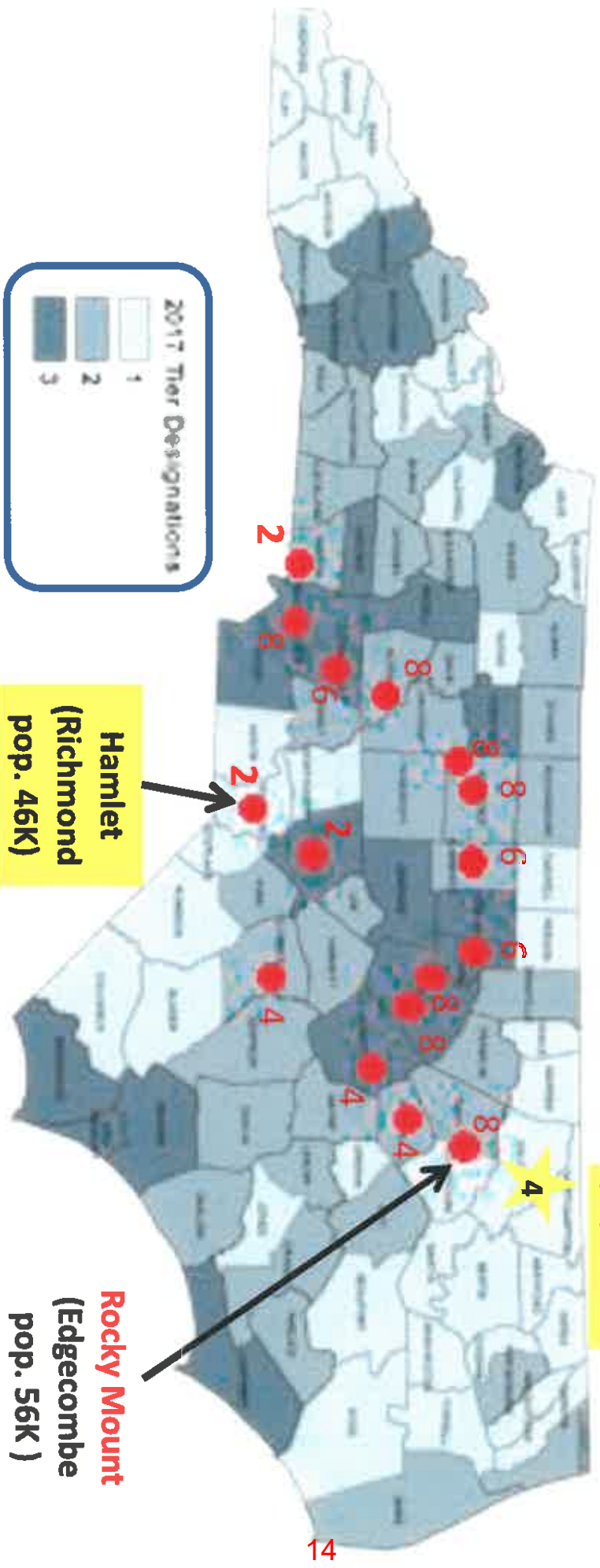


...not just Halifax

(population base > 122,000)

Only two “Tier 1” counties currently have Amtrak service

THIS IS THE OPPORTUNITY



- Amtrak Stations
- 4 Daily stopping passenger trains

**NORTHEASTERN NORTH CAROLINA'S
"TIER 1" COUNTIES NEED THE**

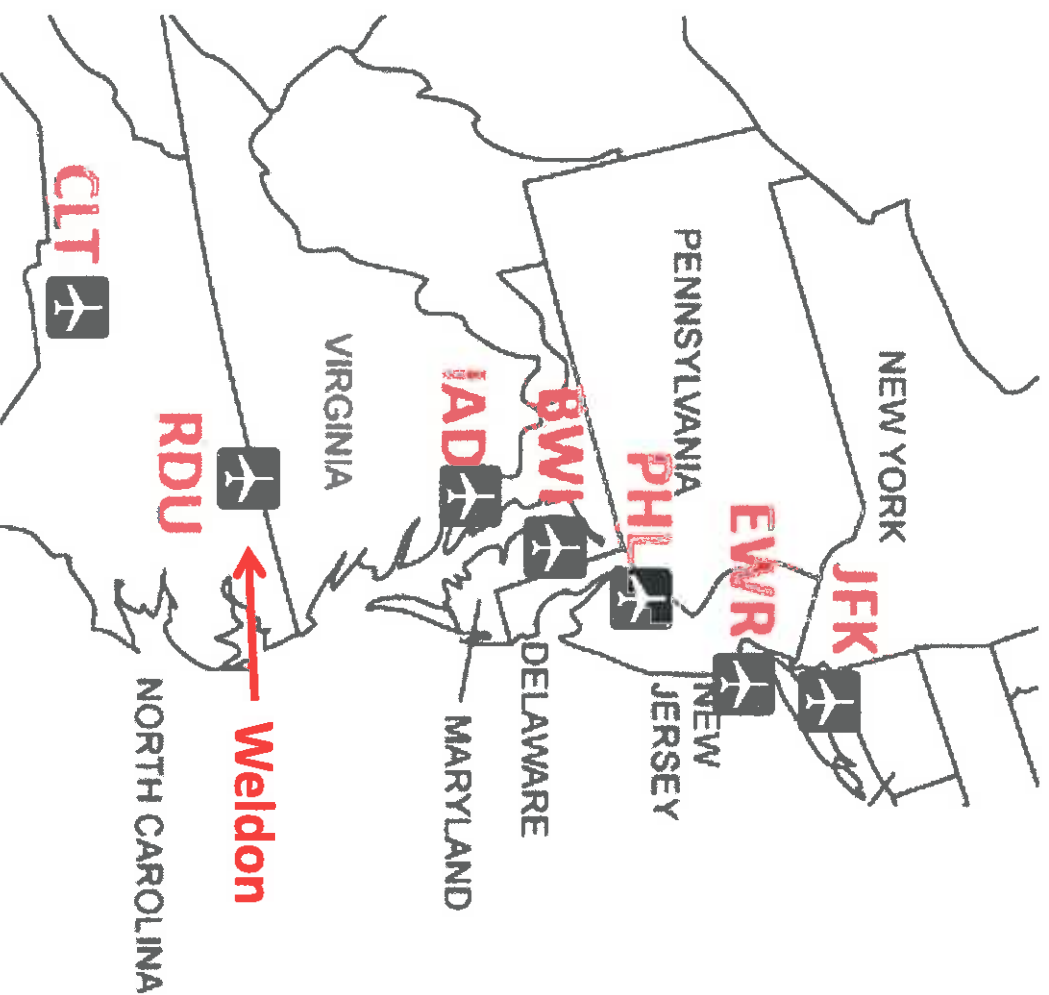
EXTRA ECONOMIC BOOST
THAT

**WELDON AMTRAK SERVICE
SHOULD PROVIDE.**

**IT WOULD BE A "NORTHEAST REGION"
AMTRAK STATION**

RAIL ACCESS TO MAJOR INTERNATIONAL GATEWAYS

IMPORTANT TO BUSINESS CLIENTS ESPECIALLY FOR INTERNATIONAL COMPANIES



COST SAVINGS TO RESIDENTS & VISITORS DUE TO COMPETITION AT VARIOUS AIRPORTS

TO GENERATE TOURISM BY TRAIN,

the region needs to seek more

MORE ATTRACTIONS & EVENTS
and implement

SUPPORTING INFRASTRUCTURE

17

(incl. lodging, food, shopping,
local transportation & other services)



SUPPORTING INFRASTRUCTURE

Examples

- Local transportation to and from attractions, hotels, restaurants, shopping, special events sites, etc.
- Pedestrian-friendly streets, lighting.
- Restroom facilities.
- Signage for pedestrians and vehicles.
- Downtown redevelopment.
- Train observation deck (for railfans).
- Railroad park (history & recreation)

RENOVATE THE HISTORIC DEPOT

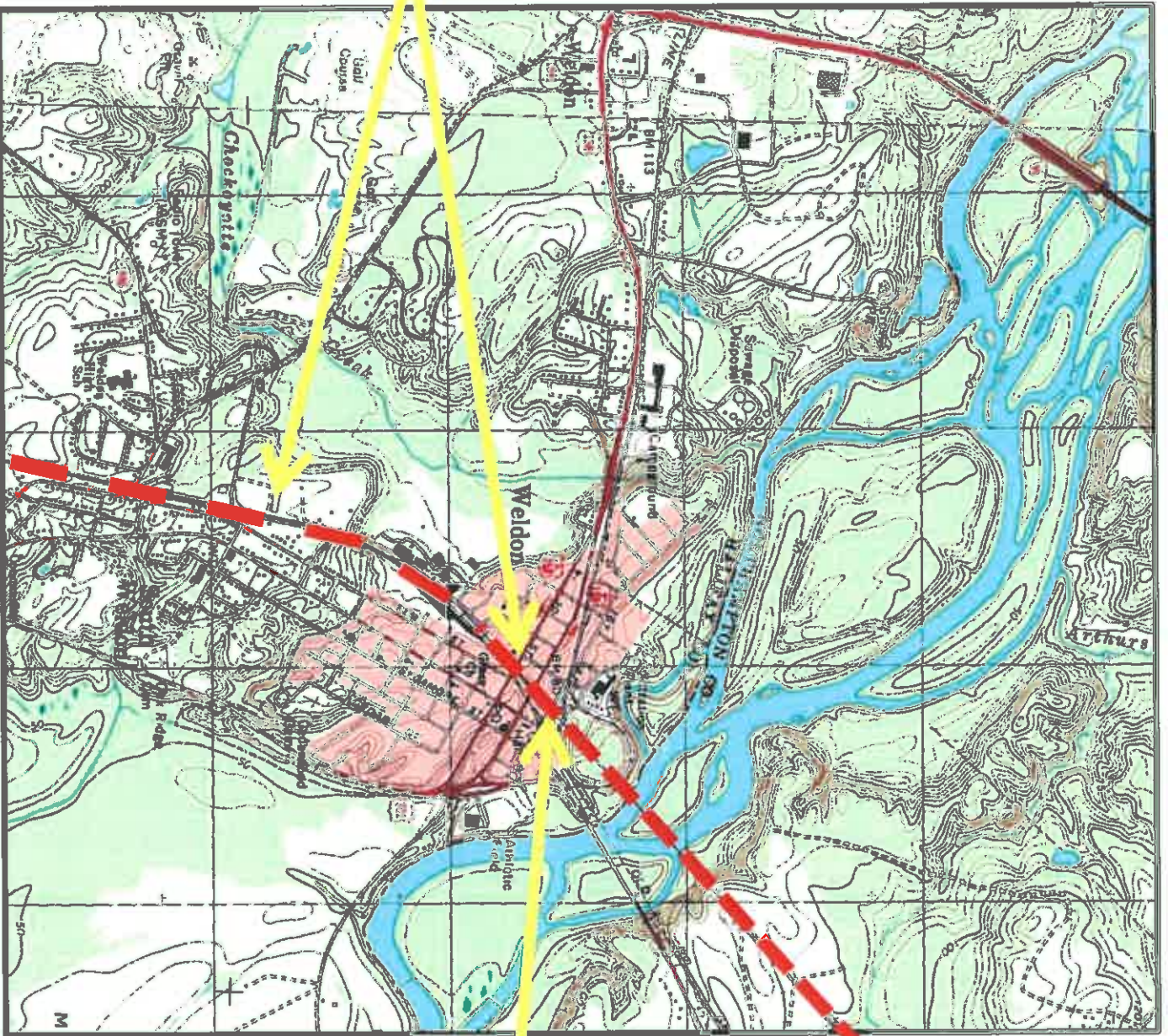
for Amtrak passengers



Building could have several tenants in addition to Amtrak

**NO BETTER
LOCATION
FOR A
REGIONAL
STATION
THAN
WELDON**

**LINE ON
EMBANKMENT**



**HISTORIC
DEPOT**

**Economic
Development
Focal Point**

NCDOT's proposed Freight Rail Capacity improvements can accommodate a passenger station in Weldon

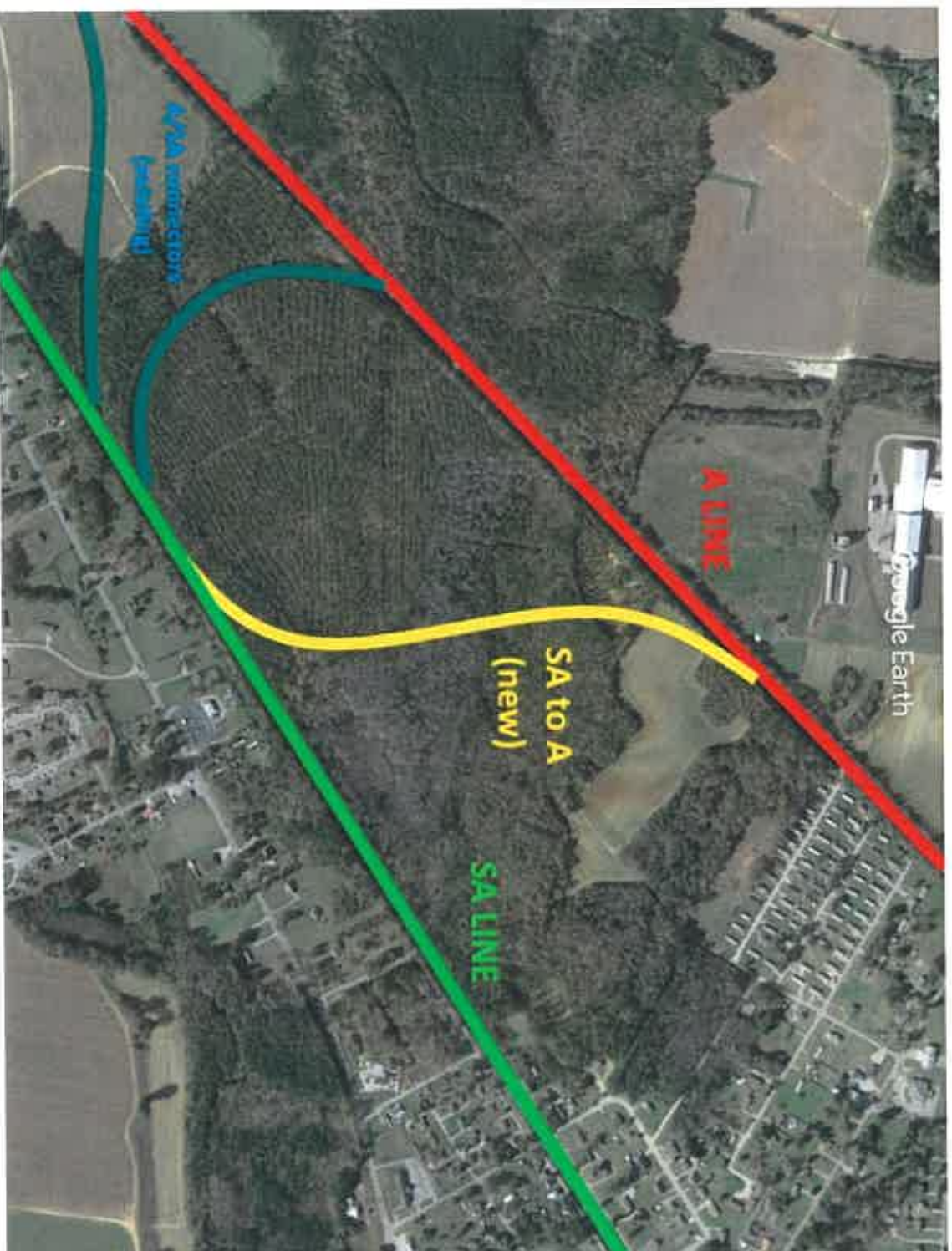
Roanoke
Rapids



Rocky Mount

Weldon line connects back to Petersburg line North of the Roanoke River

Petersburg



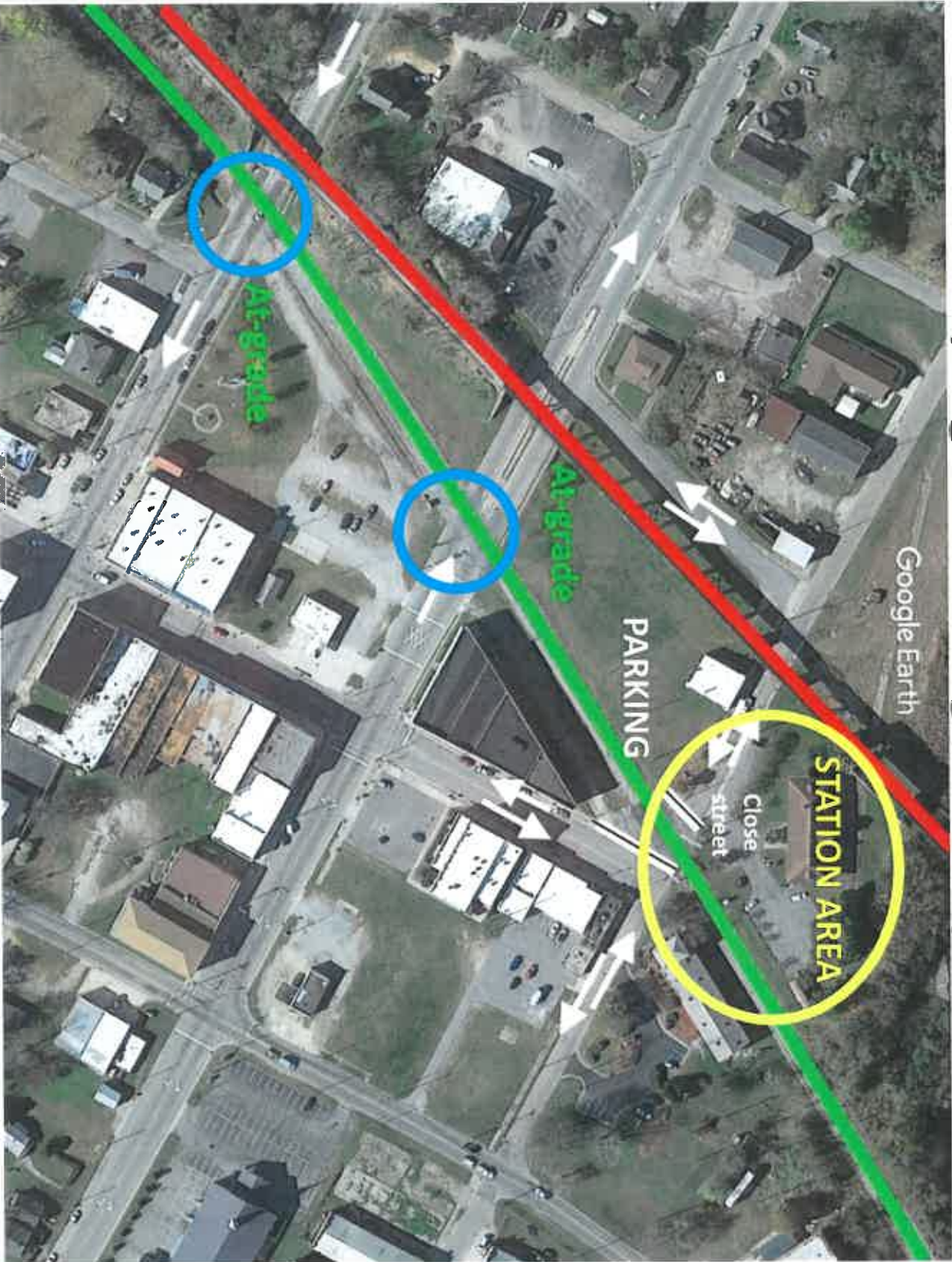
Portsmouth

Rocky
Mount

Weldon

WELDON STATION AREA

streets, at-grade crossings, station parking



ACTIVITY CENTER & TOWN FOCAL POINT

SUMMARY

1. Amtrak service to Weldon would benefit **northeastern North Carolina's** residents, businesses and corporate partners.
2. Halifax County is already a tourist attraction and can expand.
3. Weldon should exploit its historic pioneering railroad connection to maximize tourism and commercial activities.
4. It's a solid **Economic Development Proposal**.



B-1



Bertie County

Board of Commissioners

ITEM ABSTRACT

MEETING DATE: October 1, 2018

SECTION: Board Appointments

DEPARTMENT: Governing Body

TOPICS:

1. Bertie County Library Board

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 Library Board

Immediate Vacancies: 1

Position Vacancy:

Board	Term	Name	Began	End
Bertie County Library Board	3 years	Irene Walker	3/21/00	--

Special requirements: N/A

Notes: The individual has completed the required application.

Attendance of Current Members: N/A

Applications Received:

Irene Walker

Current Members (unexpired):

1. Lewis C. Hoggard, III.
2. Marion Lee
3. Kay Brantley
4. Thelma Law
5. Daphne Bond
6. William Cowper



APPLICATION FOR BERTIE COUNTY AUTHORITIES, BOARDS, COMMISSIONS, AND COMMITTEES

Name: Irene J. Walker

Home Phone Number: 252-482-7984 Mobile: 252-724-0141

Home Fax Number: _____

Email Address: ronrenlia@gmail.com

Home Address: 502 NC Highway 45 South, Merry Hill, NC 27957

Mailing Address: Post Office Box 87, Merry Hill, NC 27957-0087

Are you a full-time resident of Bertie County? Yes No _____

How long have you been a full-time resident of Bertie County? 55 years

Do you live within any corporate or town limits? Yes _____ No Which: _____

County Commissioner District: Stewart White

(This information can be obtained from the Bertie County Board of Elections at 252-794-5306)

Occupation: Homemaker Employer: _____

Business Address: _____

Business Phone Number: _____ Business Fax: _____

Please list in order of preference the Boards/Commissions/Committees on which you would like to serve:

- | | |
|--------------------------------------|----------|
| 1. <u>Albemarle Regional Library</u> | 3. _____ |
| 2. <u>The Bertie Co. Library</u> | 4. _____ |

Qualification for specific category: Presently serving as trustee of the local board The Bertie County Library and trustee of the Albemarle Regional Library board

Name of any Bertie County Board/Commission/Committee on which you presently serve:

The Bertie County Library Board of Trustees
Albemarle Regional Library Board of Trustees

I look forward to continue service, as trustees of both library boards.
If reapplying for a position you presently hold, how long have you served? I have served on the Lawrence Memorial Library since March 21, 2000 and the Albemarle Regional Board since May 6, 2013.
Based on your qualifications and experiences, briefly describe why your services on this Authority/Board/Commission/Committee would be beneficial to the County:


As a long time member of the Lawrence Memorial Board of Trustees, I am familiar with the library and it's functions and would continue to represent it well and also be a spokesperson for the Regional Board. I would continue to represent well all libraries of ARL Regional Board.

Do you have any delinquent Bertie County taxes? Yes No


Other information you consider pertinent: (i.e., education, occupational background, civic memberships, related work experiences, etc.) If necessary, you may add additional pages: Member - The Bertie County Arts Council, Member/Supporter - UNC TV, Life member of: The Ladies Auxiliary Military Order of The Purple Heart, The Disabled American Veterans Auxiliary and the Ladies Auxiliary of The American Legion, Certificate of Appreciation from Governor James. B. Hunt, Jr. for Volunteer Service, Certificate of Appreciation for Service and Support of 4-H boys and girls in Bertie County, Served as Service and Rehabilitation Chairman of the Bertie County Unit of the American Cancer Society, Past employee of the Bertie County Health Department-Home Health Agency, Past employee of the Bertie County School System and have volunteered on numerous occasions and served on several committees

CODE OF ETHICS

By submitting this application and by my signature below, I pledge that, if appointed, I agree to comply with the attached Code of Ethics as adopted by the Bertie County Board of Commissioners.

Date: 9/18/18 Applicant's Signature: 

Return application to:
Sarah S. Tinkham
PO Box 530
106 Dundee Street
Windsor, NC 27983
Fax: (252) 794-5327
sarah.tinkham@bertie.nc.gov

Thank you immensely for your consideration of my serving another term of the Bertie County Public Library.


Note:

- *All information on this document is subject to the Public Records Law and will be released to the public upon request.
- **Interest to Service forms remain current for two years. Following that, the applicant may wish to contact the Clerk to the Board's Office for an updated form.
- ***Applications must be on file in the Clerk to the Board's Office 7 days prior to consideration for appointment.

FOR OFFICE USE ONLY

Date Received: _____

Received 29 By: _____



Bertie County

Board of Commissioners

ITEM ABSTRACT

MEETING DATE: October 1, 2018

SECTION: Consent

DEPARTMENT: Governing Body

TOPICS:

1. Approve Minutes for Regular Meeting 9-10-18
2. Approve Minutes for Work Session 9-10-18
3. Approve Minutes for Closed Session 9-10-18
4. Register of Deeds Fees Report – September 2018
5. Budget Amendments
6. Tax Release Journal – August 2018
7. Solid Waste Landfill Disposal Franchise Ordinance to be effective October 1, 2018

COUNTY MANAGER RECOMMENDATION OR COMMENTS:

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

ATTACHMENTS: Yes

LEGAL REVIEW PENDING: N/A

ITEM HISTORY: ---



C-1

Windsor, North Carolina
September 10, 2018
REGULAR MEETING

The Bertie County Board of Commissioners met for their regular meeting today inside the Commissioners Room, 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 Tinkham
County Attorney Lloyd Smith
Finance Officer William Roberson
ICMA/NCACC Management Fellow Dominique Walker
Economic Development Director Steve Biggs
Tax Administrator Jodie Rhea
4-H Extension Agent Guy Holley
Veteran Services Representative Denise Clark
Cooperative Extension Director Billy Barrow
Water Superintendent Ricky Spivey
Cooperative Extension Admin Assistant Sheila Powell
4-H Agent Guy Holley

Gene Motley of the Roanoke-Chowan News Herald was present from the media.

CALL TO ORDER

Chair Bazemore called the meeting to order.

INVOCATION/PLEDGE OF ALLEGIANCE

Reverend Glenwood Mitchell led the Invocation and Pledge of Allegiance.

PUBLIC COMMENTS

There were no public comments during this session.

APPOINTMENTS

(1) Public Hearing – proposed franchise amendment and extension of landfill host agreement, Republic Services

Chair Bazemore noted that this item was being reviewed tonight and the public would have an opportunity to speak during the public hearing.

This item, if no changes were needed based on public feedback, would be presented for approval in October.

The public hearing was advertised three times in the local newspaper (August 8th , 15th and 22nd) and a copy of the proposed amendment is in the agenda package.

At this time, Chair Bazemore opened the public hearing.

After several attempts, no citizens came forward to speak during the public hearing.

After hearing no public comments by anyone present, Chair Bazemore closed the public hearing.

This item will be presented for approval, as written, at the October meeting.

(2) Introduction of John White, Legislative Director for NC Department of Commerce

This item was deferred due to the impending weather.

(3) Space Camp review by Guy Holley & 4-H youth members

Guy Holley and several 4-H Youth were present to discuss their experience at space camp in Alabama this summer. The students were in grades 7 and 9. All spoke positively and vibrantly of their experience, and one described the week-long camp as “the best week of her summer break.”

Mr. Holley also played a brief highlight video of the all of 4-H’s summer activities, as well as a video that highlighted the most interesting parts of space camp.

The Board thanked the students for their reports and congratulated them on their success this summer.

The program was partly sponsored by NC A&T University and the Kent Bazemore Foundation.

BOARD APPOINTMENTS

There were no Board Appointments.

CONSENT AGENDA

The Consent Agenda was approved as follows:

1. **Minutes** – Regular Session 8-6-18
2. **Fees Report** – August 2018
3. **Budget Amendments - #19-01** (next page)
4. **Surplus/authorize sale** - approval to declare these units as surplus equipment, and authorize sale of this equipment using GOVdeals.com

Commissioner Trent made a **MOTION** to approve the Consent Agenda in its entirety. **Vice** Chairman Wesson **SECONDED** the motion. The **MOTION PASSED** unanimously.

Budget amendment #19-01 reads as follows:

BUDGET AMENDMENT					
			# 19-01		
	INCREASE				INCREASE
10-0025-4586-05	\$	3,752		10-5860-5399-10	\$ 4,752
10-0090-4991-99	\$	1,000			
SETUP BUDGET FOR SR CENTER GENERAL PURPOSE MONEY (APPROVED AUG. 6, 2018)					
	INCREASE				INCREASE
10-4110-5499-00	\$	3,250		10-0090-4991-99	\$ 3,250
TO INCREASE BUDGET TO COVER KEYNOTE SPEAKER FOR SCHOOL SAFETY MEETING					
	INCREASE				INCREASE
10-0050-4835-01	\$	9,680		10-4310-5510-03	\$ 9,680
TO ALLOCATE MONEY FROM SALE OF CARS TO LEASE ADDITIONAL VEHICLES					
	INCREASE				INCREASE
10-6100-5695-20	\$	11,849	RGP	10-0090-4991-99	\$ 11,849
TO CARRY OVER GRANT MONEY FROM PREVIOUS YEAR:					
ROAP - RURAL GENERAL PUBLIC TRANSPORT - CPT					
	INCREASE				INCREASE
10-0025-4301-21	\$	80,000	BLUE JAY	10-4190-5351-08	\$ 80,000
TO SETUP BUDGET - BLUE JAY PARK (NC DNCR GRANT)					
	INCREASE				INCREASE
10-0025-4490-11	\$	29,083		10-6100-5697-10	\$ 29,083
BRING OVER BUDGET FOR CASHIE RIVER DRAINAGE SYSTEM					
	INCREASE				INCREASE
10-0025-4473-12	\$	2,000	BMAP	10-4950-5399-28	\$ 2,000
BRING OVER BUDGET FOR STREAM DEBRIS REMOVAL PROJECT					
NOTICE OF FUNDING OFFER RECEIVED ON 2/13/18.					
	INCREASE				INCREASE
10-4950-5399-30	\$	251	EFNEP	10-0090-4991-99	\$ 153,440
10-4950-5399-32	\$	75	ESMM		
10-4950-5399-37	\$	149	4H CAMP		
10-4960-5400-05	\$	2,840	AQ. WEED		
10-5860-5399-05	\$	1,584	SHIIP		
10-5860-5399-50	\$	14	2HOT2TROT		
10-5860-5400-15	\$	2,365	MIPPA		
10-6100-5697-15	\$	5,000	NCLOW		
10-6120-5399-15	\$	148	SEN/MOVE		
10-4160-5510-00	\$	92,000	COURT		
10-4190-5351-08	\$	9,628	BLUE JAY		
12-5380-5399-73	\$	39,386	FC AD INC	12-0070-3981-10	\$ 39,386
				10-9800-5980-12	\$ 39,386
TO ADJUST GRANT MONEY/ CARRY OVER PROJECTS FROM PREVIOUS YEAR:					
COOP - EXPANDED FOOD & NUTRITION					
COOP - EAT SMART-MOVE MORE					
COOP - 4H COOKING CAMP					
SOIL - AQUATIC WEED CONTROL					
COA - SHIIP					
COA - 2HOT2TROT					
COA - MIPPA					
MISC - NC LOW					
P/R - SENIORS ON THE MOVE					
COURT - CAPITAL OUTLAY					
P BLDG - BLUE JAY PARK					
DSS - FOSTER CHILD ADOPT INCENTIVES					
Page 1					
APPROVED 9/10/2018					

DISCUSSION AGENDA

Review Board of Elections schedule and locations for early voting in upcoming General Election; and discuss recent federal subpoena for public records for prior elections since 2010

Vice Chairman Wesson discussed his concerns with the local Board of Elections decision to recommend that the State close two of the early voting stations for the upcoming election. Under the current recommendation, only the Board of Elections Office in Windsor will be open for early voting.

There will also be only one Saturday offering for early voting.

Mr. Wesson expressed his concern about the changes and inquired if any other commissioners had the same concerns.

He also offered a **MOTION** to have the County draft a letter to the State Board of Elections to see if they could reconsider the decision to close two of the polling places.

At this time, the Board Chair asked to hear from the Bertie County Board of Elections on the matter.

Mr. Glenwood Mitchell, Secretary, came forward to discuss the changes. Mr. Mitchell stated that the change was made based on funding availability and that the State was asking for cuts.

Vice Chairman Wesson reiterated his support for more polling places and that he still did not fully understand why the decision was made. He mentioned that data shows that voter participation is higher with the more polling places being open and especially in their area.

After a length discussion, Vice Chairman Wesson reminded the Board of his motion on the floor.

Chair Bazemore **SECONDED** the motion. The **MOTION FAILED** in a 3-2 vote with Commissioners Trent, White, and Lee voting against.

Commissioners Lee, White, and Trent echoed the same sentiments which were that they understood why the Vice Chairman felt the way he did on the issue, but that they did not want to interfere with a decision already made by another board and that the board was appointed for a reason and that they wanted to respect the board's decision.

In closing, Vice Chairman Wesson made it clear that he was looking out for the citizens of the County and trying to protect their right to vote in as many locations as possible.

Relocation of signage – Historic Hope Plantation from NC HWY 308 to HWY 13

A request had been received in recent weeks from the Historic Hope Foundation about potentially moving the Hope Plantation sign from NC HWY 308 to HWY 13. The move would potentially make the sign more visible to a broader audience and could potentially draw more people to site.

The new sign will be erected on the County’s radio tower site, outside of the NC DOT right of way owned property.

Vice Chairman Wesson made a **MOTION** to approve the moving of this sign to County property on HWY 13. Commissioners Trent and Lee **SECONDED** the motion. The **MOTION PASSED** unanimously.

Review employee shared leave and possibly consider authorization for a waiver of the one-year minimum service requirement

This item is addressed under the current policy. No further discussion is needed.

**Capital Project Updates – remaining items from earlier Work Session
Water Department projects**

- **NCDEQ Division of Water Infrastructure Applications for Funding (Districts I-IV)**
 - **Resubmittals of AIA grants for remaining funds (Districts II and IV) and revised CIP**

Commissioner Trent reported that work was steadily being done on the new EMS Station One but that materials scheduled for delivery this week had been halted due to the impending hurricane. Dry wall, painting, and flooring will be started in the coming weeks.

Vice Chairman Wesson reported that as early as November, the County could have approval from the SECU to move forward with the teacher housing project.

Commissioner Trent made a **MOTION** to approve submittals for Water Districts I, II, III, and IV for NCDENR Division of Water Infrastructure Applications for Asset Inventory and Assessment project; and resolutions for the AIA grant for remaining, existing projects and water districts II and IV including all related documents and certifications for signature by the County Manager or Chair as necessary; and approval of the Bertie County Regional Water System Capital Improvement Plan for FY2017-2018 through FY2024-2025 including all related documents and certifications for signature by the County Manager or Chair as necessary. Commissioner White **SECONDED** the motion. The **MOTION PASSED** unanimously.

Discuss updates from NCACC Annual Conference – Hickory, NC

Mr. Sauer advised that it would be pertinent to have a meeting with the DSS Board soon to discuss the State's proposal to regionalize DSS Departments.

Vice Chairman Wesson reported about the Farm Bill that is being proposed now and how it would severely impact farmers in our area. The bill would allow citizens who move into a pre-established agricultural area to file suit for odor, appeal, etc. The latest case involving hogs was the precedent for the bill.

Commissioner Lee reported on the Justice & Public Safety Committee and she also summarized the tour she participated in of furniture academy that is sponsored by the Catawba Community College.

Chair Bazemore discussed youth leadership ideas that had been shared at the conference, and wanted to see if Superintendent Edmonds would consider appointing students to a Youth County Commissioner program. The student(s) could attend Commissioners meetings alongside County Commissioners to gain a feel for working in County Government.

COUNTY MANAGER'S REPORTS

County Manager Sauer reiterated for the public the County State of Emergency declaration and the various articles within it regarding a curfew, and the sale of firearms and alcohol. He also reviewed the preparations being made by the Emergency Services Department and the location of Bertie County shelters. He also discussed the County's recently approved lease with the Cashie Convention Center for a central point for staff and out of town responders.

COUNTY ATTORNEY REPORTS

The County Attorney had no remarks at this time.

PUBLIC COMMENTS

The Board acknowledged the return of Mayor Pugh of Lewiston-Woodville. Mr. Pugh was involved in an accident during a controlled home burn.

Vivian Clarke of the Bertie County NAACP reminded all of those present about a Law Enforcement and Veteran's Banquet on October 13th at 6:00 PM in Windsor. WW2 and Korean vets would be honored.

Ms. Sheila Craig also reported her concerns and recollection of a Bertie County Board of Elections meeting, and how the information shared tonight did not match up with the information she absorbed from the meeting where the decision in question was made.

COMMISSIONERS REPORTS

Chair Bazemore

Chair Bazemore discussed a recent reception she had attended for historians that had been working the archeological site at the Lost Colony. She mentioned their enthusiasm for the project and that this will be an historical game changer for our area.

She also discussed an award she had received from the NCACC for Exemplary Service, and a course that she had facilitate for the NC Association of Black County Officials.

Lastly, she discussed the conference call that she participated in yesterday regarding Hurricane Florence, and encouraged citizens to prepare.

Commissioner Trent

Commissioner Trent discussed a \$150,000 grant received by the Town of Lewiston-Woodville for revitalization, as well as a donation of land for a community building.

He also mentioned the ongoing work on the new EMS Station One and Blue Jay Recreation Park gym, but that work was on hold until Hurricane Florence passes.

Commissioner Lee

Commissioner Lee reiterated that the 2018 Aulander Peanut Festival would be held on October 6th.

Also, the Town of Roxobel is currently looking to raise money for a playground. Citizens are encouraged to donate.

In recent weeks, Mrs. Lee and her husband also hosted a self-defense class in Roxobel that was well attended.

Lastly, she announced that she had been nominated as the Chair of the NCAJPS Committee, as well as the Vice Chair of the NACoJPS Law Enforcement Subcommittee.

Commissioner White

Commissioner White had no remarks at this time.

Vice Chairman Wesson

Vice Chairman Wesson commended Commissioner Lee on her accomplishments of the various Boards she sits on for the State and National organization. He congratulated her for her new respective titles.

He also commended Chair Bazmore on her recent awards and that she was an inspiration to him as well as others in public service.

ADJOURN

Chair Bazmore **ADJOURNED** the meeting at 7:15 PM.

Ernestine Bazmore, Chair

Sarah S. Tinkham, Clerk to the Board



C-2

**Windsor, North Carolina
September 10, 2018
WORK SESSION**

The Bertie County Board of Commissioners met for a WORK SESSION today inside the Commissioners Room, 106 Dundee Street, Windsor, NC. The following members were present or absent:

Present: Ronald “Ron” Wesson, District I
Tammy A. Lee, District III
John Trent, District IV
Ernestine (Byrd) Bazemore, District V

Absent: Stewart White, District II None

Staff Present: County Manager Scott Sauer
Clerk to the Board Sarah Tinkham
County Attorney Lloyd Smith
Finance Officer William Roberson
ICMA/NCACC Management Fellow Dominique Walker
Planning & Inspections Director Traci White
Code Enforcement Administrator Chris Surgeon
Nuisance Abatement Officer Barry Anderson
Cooperative Extension Director Billy Barrow
Veteran Services Director Denise Clarke
Clerk of Superior Court Vasti F. James

Gene Motley of the Roanoke-Chowan News Herald was present from the media.

CALL TO ORDER

Chair Bazemore called the meeting to order.

UPDATE – Hurricane Florence

Emergency Services Director, Mitch Cooper, provided a brief update to the Board regarding Hurricane Florence. At this time, the storm still showed Bertie County within the “cone of uncertainty,” and severe impacts should be expected. He stated that he had been in direct contact with NC Emergency Management and all local partners to prepare.

Mr. Cooper shared that the County's three shelters would be open beginning Wednesday, September 12th at 5:00 PM. The shelters include Colerain Elementary, West Bertie Elementary, and Bertie Middle School.

He also reviewed that the Chair had already signed a State of Emergency for the County that restricts the sales of alcohol and firearms and also establishes a curfew, and voluntary evacuation orders for flood prone, water front, and low-lying areas within the County.

Efforts to prepare the animal shelter and County buildings for the storm had been made and would be completed by the end of the business day, and a press conference was scheduled for tomorrow, Tuesday, September 11th.

Vice Chairman Wesson mentioned that he was on the hunt for available storage space for small businesses in the area looking to store important equipment or other items.

Commissioner Lee requested that all shelters have at least the basic kitchen needs and some kind of radio or television for DSS staff to monitor the storm as the shelters open.

Mr. Cooper noted that smart phones would be the main source of information during a storm of this size as his own emergency communication towers may not be able to withstand the winds.

Chair Bazemore commended Mr. Cooper and his staff for "stepping out in front of this storm," and preparing the County as quickly and efficiently as possible.

Vice Chairman Wesson echoed the same sentiments and stated that he would be praying for the County as well as all of the staff who will be working during the storm event.

Leasing of HTM Building for Emergency Operations needs

County Manager Sauer introduced an idea to lease the former HTM building and the current Cashie Convention Center for emergency operations needs.

The County typically needs a central meeting point for feeding staff as well as housing their families in the event of an evacuation. The Cashie Convention Center could also host out of town responders and organizations who will be visiting the County during and after the storm. The lease will last 90-days and rent will be paid in advance (\$30,000).

Commissioner Trent made a **MOTION** to approve the requested lease for 90-days and the rent of \$30,000. Vice Chairman Wesson **SECONDED** the motion. The **MOTION PASSED** unanimously.

Vice Chairman Wesson asked if the County's debris removal contract was in place, and Mr. Sauer confirmed that it was in place for this storm event.

Deferred Work Session & Needed Action Items

The following items were deferred due to staff being confined to the needs of storm preparation:

- MHA Works Architect, Albi Albrecht, was scheduled to present the updated site plan and schematic conceptual design for the public library and cooperative extension offices on the Lancaster property in follow up to July 31st workshop – deferred due to storm preparations
- Consider an approved authorization for preparation of construction documents, including an addendum/alternate for a community meeting space. – deferred due to storm preparations

Items in need of review and authorization today include:

- Authorize submittal to Golden Leaf Foundation for supplemental funding.

Vice Chairman Wesson made a **MOTION** to authorize the submitted of Golden Leaf Foundation documents for supplemental funding to support the addition of a community meeting room to accommodate 200-300 people as a component of the joint use facility for the public library and cooperative extension office. Commissioner Trent **SECONDED** the motion. The **MOTION PASSED** unanimously.

Mr. Sauer stated exercising the “option to purchase” 4.0 acres on Lancaster Road at the intersection of South King Street would signify to Golden Leaf that progress was being made on the project despite the weather situation.

- Approve purchase of Lancaster Road site and execution of all appropriate documents.

Commissioner Trent made a **MOTION** to have the County Attorney prepare a draft closing statements and deed to exercise the County’s option on the Lancaster Road property to be signed by the Chair. Commissioner Lee **SECONDED** the motion. The **MOTION PASSED** unanimously.

- Approve Jasper Bazemore Street—transfer of deed to the Town of Windsor to facilitate the sidewalk and utility improvements as discussed with the Board in June.

Commissioner Trent made a **MOTION** to transfer the deed to the Town of Windsor to facilitate the sidewalk and utility improvements as discussed with the Board in June. Commissioner Lee **SECONDED** the motion. The **MOTION PASSED** unanimously.

Other Updates

- Property acquisition from Cashie Golf & Country Club for Firefighter Training facility - MCC and Town of Windsor.

Mr. Sauer noted that a deed is forthcoming, and that surveying had been delayed due to rain. The deed should be expected sometime in October, both for the country club and transfer of land to the Town of Windsor for the firefighter training facility project, approximately five (5) acres.

- Dundee Street additional Courthouse parking and possible acquisition of 26,296 square foot lot at corner of Queen St.

Mr. Sauer stated that the owners of this property is still interested in selling. The offer of \$25,000 was made to the County for the corner lot. The lot would require demolition and several other sites could be included in that demolition quote.

Vice Chairman Wesson asked that negotiations continue on the price, but that he was ready to make a motion on the matter.

Vice Chairman Wesson made a **MOTION** to move forward with negotiations on the corner lot, demolition, and the implementation of additional Courthouse parking. Commissioner Trent **SECONDED** the motion. The **MOTION PASSED** unanimously.

- Trespassing and illegal parking of tractor trailers on old County landfill property by Linwood Powell Trucking.

Mr. Sauer discussed an issue that had been brought to his attention by Nuisance Abatement Officer, Barry Anderson. The County currently still owns the property that used to house the landfill. The area is now being used a “private parking” lot for a citizen’s truck business.

As the years have gone by, more and more large trucks and trailers have been parked in the area of the old landfill which has made it difficult for County staff to reach pertinent equipment.

After a brief discussion, the Board asked that the Sheriff first visit with the citizen. If the matter persists, more measures will be put in place to address the matter.

PUBLIC COMMENTS

Reverend Gary Cordon and other community leaders from Lewiston-Woodville asked for the County’s support in seeking grant for their town.

The Board gave their full support and assured them that any town within the County could apply for grants to various foundations and state agencies at any time, but to let the Board know if they needed any assistance.

CLOSED SESSION

County Manager Sauer inquired if the Board would like review several items with the County Attorney in Closed Session.

The Board concurred.

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

OPEN SESSION

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

RECESS

Chair Bazemore **RECESSED** the meeting until 6:00PM today in the same location.

Ernestine Bazemore, Chair

Sarah S. Tinkham, Clerk to the Board



C-5

BUDGET AMENDMENT

# 19-02				
INCREASE			INCREASE	
10-5860-5399-95	\$ 30,312	EDTAP	10-0025-4586-03	\$ 30,312
12-5380-5399-95	\$ 1,974	EDTAP	12-0025-4586-03	\$ 1,974
12-5380-5399-94	\$ -	WF	12-0025-4531-10	\$ -
10-6100-5695-20	\$ 44,564	RGP	10-0025-4585-04	\$ 44,564
TO SETUP/ADJUST BUDGET FOR ROAP TRANSPORTATION MONEY FROM STATE				
INCREASE			INCREASE	
12-5310-5499-90	\$ 1,500		12-0000-3929-00	\$ 1,500
ALLOCATE MONEY RECEIVED NEAR THE END OF JUNE TO PURCHASE SHREDDER				
APPROVED / /2018				


Application for Transportation Operating Assistance


FY2019 Rural Operating Assistance Program Funds

Name of Applicant (County)	Bertie County
County Manager	Scott Sauer
County Manager's Email Address	scott.sauer@bertie.nc.gov
County Finance Officer	William Roberson
CFO's Email Address	william.roberson@bertie.nc.gov
CFO's Phone Number	(252) 794-5360
Person Completing this Application	Venita Thompson
Person's Job Title	Aging Service Director
Person's Email Address	venita.thompson@bertie.nc.gov
Person's Phone Number	(252) 794-5315
Community Transportation System	Choanoke Public Transportation Authority
Name of Transit Contact Person	Pamela Perry
Transit Contact Person's Email Address	pperry@choanokepta.org

Application Completed by: _____ Date: _____
Signature

I certify that the content of this application is complete and accurately describes the county's administration of the ROAP Program, and the use of the ROAP funds in accordance with applicable state guidelines. I certify and understand that if the quarterly milestone reports are not submitted on or before the due dates that 1/2 of 1 percent per business day, beginning the day after the due date until the date the report is received, will be deducted from the following quarter's disbursement. I certify and understand that any quarterly unspent funds will be deducted from the following quarter's allocation and the total amount of unspent funds at the end of the period of performance will be deducted from the following year's allocation.

County Manager:  Date: 9.7.2018
Signature

County Finance Officer:  Date: 9-7-18
Signature

Application Instructions

County officials should read the **ROAP Program Administration Guide** which contains guidance on the administration of the ROAP Program and information about the preparation of grant applications.

- The application must be completed by an official of the county or his/her designee.
- Click on the **gray rectangle** and type each answer. If necessary, the text will automatically wrap to the next row. The answer may wrap to the next page if necessary.
- If the county wishes to explain their response to any questions or provide more information, the county may include additional pages with this application form. All the pages of the application and any pages added by the applicant should be scanned into the same file.
- If there are questions regarding this application, contact the NCDOT-PTD Mobility Development Specialist assigned to the area served by the transit system.

FY2019 ROAP Program Schedule

Application Deadline	August 27, 2018
Disbursement #1	September 15, 2018
Disbursement #2	January 15, 2019
Milestone Reports	
Quarter 1 Milestone Report due	October 31, 2018
Quarter 2 Milestone Report due	January 31, 2019
Quarter 3 Milestone Report due	April 30, 2019
Quarter 4 Milestone Report due	August 31, 2019* (Annual)

County's Management of ROAP Funds

County governments or regional public transportation authorities created pursuant to Article 25 or Article 26 of Chapter 160A of the General Statutes (upon written agreement with municipalities or counties served) are the only eligible applicants for ROAP funds. As a recipient of ROAP funds, the county must implement administrative processes that will ensure the following:

- ROAP funds are expended on needs identified through a public involvement and/or planning process
- **ROAP funds are expended on only eligible activities as described in Appendix A of the ROAP Guidance. A county that uses any ROAP funds for non-public transportation trips will have a penalty of 10% assessed on all amounts of ROAP funds misspent.**
- Supporting documentation of expenditures is maintained
- Service recipients meet eligibility requirements and their eligibility is documented
- Trips funded with ROAP funding are monitored and evaluated throughout the period of performance
- An accounting of trips and expenditures is provided in quarterly reports to NCDOT
- ROAP funds received and expended are included in the local annual audit

Transportation Needs and Public Involvement in Funding Decisions	Yes	No
A. Did the county ask the Community Transportation Advisory Board (TAB), which is affiliated with the Community Transportation System, to recommend how the ROAP funds should be sub-allocated?		X
B. Were outreach efforts conducted to inform agencies about the availability of ROAP funds and to discuss transportation needs BEFORE the county decided how to sub-allocate the ROAP funds?		X

C. Is the method used to sub-allocate the ROAP funds fair and equitable? Open and transparent?	X	
Financial Management of ROAP Funds	Yes	No
D. Does the county pass through any ROAP funds to agencies or organizations that are not county governmental departments or agencies?	X	
E. If yes, does the county have a written agreement with these agencies that addresses the proper use, return and accountability of these funds? <i>(Include a sample agreement with application)</i>	X	
F. Do any of the organizations or departments receiving ROAP funds plan to use private transit contractors to provide the ROAP funded trips? <i>(Their procurement practices will need to meet all federal and state requirements for procurement of professional services.)</i>	X	
G. Are ROAP funds being deposited in an interest bearing account?	X	
H. Does the county provide any local funds for transportation operating assistance to any of the ROAP sub-recipients in addition to the state ROAP funds?		X
I. Is supporting documentation maintained for all ROAP grant financial transactions for five years? IMPORTANT: Yes is the only correct answer.	X	
Monitoring and Oversight Responsibilities	Yes	No
J. Does the county require the subrecipients of ROAP funds to provide progress reports and statistical data about the trips provided with ROAP funds?		X
K. If progress reports and/or operating statistical reports are required by the county, how frequently are these provided to the county for evaluation?		
L. Does the county require the subrecipients of ROAP funds to use the coordinated transportation services of the federally funded Community Transportation System operating in the county?		X
Accountability to North Carolina Taxpayers	Yes	No
M. Is the county prepared to provide documentation that an eligible citizen was provided an eligible service or trip on the billed date, by whatever conveyance, at the specified cost?	X	

Elderly and Disabled Transportation Assistance Program

The Elderly and Disabled Transportation Assistance Program (EDTAP), originally enacted by legislation in the 1989 Session of the North Carolina General Assembly (Article 2B, 136-44.27), provides operating assistance funds for the transportation of the state's elderly and disabled citizens. This transportation assistance allows the elderly and disabled to reside for a longer period in their homes, thereby enhancing their quality of life.

Organizations or Departments Receiving EDTAP Funds	How will the transportation services be provided	Name of Transportation Provider	EDTAP Suballocation	Estimated One Way	Avg. Cost of
Bertie Council on Aging	Transit System	CPTA	\$ 30,312	3,062	\$ 9.90
Dept. of Social Services	Public Transportation	CPTA/Private Prov.	\$ 24,800	2,362	\$ 10.50
			\$		\$
			\$		\$
			\$		\$
			\$		\$
			\$		\$
			\$		\$
			\$		\$
			\$		\$
			\$		\$
TOTAL			\$ 55,112	5,424	

Elderly and Disabled Transportation Assistance Program Questions

N. What will be the purposes of the trips provided with EDTAP funds? *(Check all that apply)*

- Personal care activities, medical appointments, pharmacy pick-up, shopping, bill paying, meetings, classes, banking
- Job interviews, job fair attendance, job readiness activities or training, GED classes
- Transportation to workplace
- Group field trips/tours to community special events (Federal charter regulations apply to transit.)
- Overnight trips to out-of-county destinations (Federal charter regulations apply to transit)
- Human service agency appointments

Elderly and Disabled Transportation Assistance Program Questions (con't)

	Yes	No
O. Does the federally funded Community Transportation System operating in your county receive a sub-allocation of EDTAP funds?		X
P. Will any of the subrecipients use their EDTAP sub-allocation as matching funds for any of the following programs? <i>(Matching funds for operating assistance or purchase of service only.)</i> 5310 – Elderly Individuals and Individuals with Disabilities Program 5311 - Non-urbanized Area Formula Program 5316 – Job Access and Reverse Commute Program (JARC) 5317 – New Freedom Program		X
Q. Will any of the subrecipients of EDTAP funds charge a fare for an EDTAP funded trip?		X
R. EDTAP funded trips are expected to be provided throughout the entire year. If the EDTAP funds are expended in less than a year, will the county provide county funds to prevent the discontinuation of transportation trips?		X

Employment Transportation Assistance Program

The Employment Transportation Assistance Program (EMPL) is intended to help DSS clients that transitioned from Work First or TANF in the last 12 months, Workforce Development Program participants and/or the general public to travel to work, employment training and/or other employment related destinations.

Organizations or Departments Receiving EMPL Funds	How will the transportation services be provided	Name of Transportation Provider	EMPL Suballocation	Estimated One Way Trips	Avg. Cost of Trip
Bertie County DSS	Public Transportation	CPTA/Private	\$ 7,432	708	\$ 10.50
			\$		\$
			\$		\$
			\$		\$
			\$		\$
			\$		\$
			\$		\$
			\$		\$
			\$		\$
			\$		\$
			\$		\$
TOTAL			\$ 7,432	708	\$ 10.50

Employment Transportation Program Questions

S. What will be the purposes of the transportation services provided with EMPL funds? *(Check all that apply)*

Job interviews, job fair attendance, job readiness activities or training
 Transportation to workplace (Scheduled by the individual only. No agency scheduled trips.)
 Child(ren) of working parent transported to Child Care

T. Describe the eligibility criteria to be used in this county to determine who will be provided EMPL funded trips.

Employment Transportation Assistance Program Questions (con't)	Yes	No
U. Does the federally funded Community Transit System operating in your county receive a sub-allocation of EMPL funds?		X
V. Will any of the subrecipients of EMPL funds charge a fare for an EMPL funded trip?		X
W. Has the county transferred any EMPL funds to EDTAP or RGP in the last two years?	X	
X. Will any of the subrecipients use their EMPL sub-allocation as matching funds for any of the following programs? <i>(Matching funds for operating assistance or purchase of service only.)</i> 5310 – Elderly Individuals and Individuals with Disabilities Program 5311 - Non-urbanized Area Formula Program 5316 – Job Access and Reverse Commute Program (JARC) 5317 – New Freedom Program		X
Y. EMPL funded trips are expected to be provided throughout the entire year. If the EDTAP funds are expended in less than a year, will the county provide county funds to prevent the discontinuation of transportation trips?		X

Rural General Public Program

The Rural General Public Program assistance funds are intended to provide transportation services for individuals from the county who do not have a human service agency or organization to pay for the trip. The county, in consultation with the Community Transportation System, must determine the RGP services to be provided with the RGP funds. RGP funds are only available to Coordinated Transportation Systems offering general public transportation in the non-urbanized area of the county.

Organizations or Departments Receiving RGP Funds	How will the transportation services be provided	Name of Transportation Provider	RGP Suballocation	Estimated One Way Trips	Avg. Cost of Trip
CPTA	Using Transit Vans/Buses	CPTA	\$ 56,382	3804	\$ 14.82
			\$		\$
			\$		\$
			\$		\$
			\$		\$
			\$		\$
			\$		\$
			\$		\$
			\$		\$
			\$		\$
TOTAL			\$		

Rural General Public Transportation Program Questions			
Z. What will be the trip purposes of the transportation services provided with RGP funds? (Check all that apply)			
<input checked="" type="checkbox"/> Personal care activities, medical appointments, pharmacy pick-up, shopping, bill paying, meetings, classes, banking <input checked="" type="checkbox"/> Job interviews, job fair attendance, job readiness activities or training, GED classes <input checked="" type="checkbox"/> Transportation to workplace (Scheduled by the individual only. No agency scheduled trips.) <input type="checkbox"/> Child(ren) of working parent transported to child care <input type="checkbox"/> Group field trips/tours to community special events (Federal charter regulations apply to transit.) <input type="checkbox"/> Overnight trips to out-of-county destinations (Federal charter regulations apply to transit.) <input checked="" type="checkbox"/> Human service agency appointments			
Rural General Public Program Questions (con't)		Yes	No
AA. Will RGP trips be provided for citizens who need transportation but don't have a human service agency or organization to pay for the trip?		X	
AB. Since the subrecipient can only use RGP funds to pay for 90% of the cost of a trip, will the Community Transportation System use fare revenue to generate the local 10% match requirement for RGP funds?		X	
AC. Will RGP funded trips be coordinated on vehicles with human service agency trips?		X	
AD. Will the Community Transportation System use any of their RGP sub-allocation as matching funds for any of the following programs? (Matching funds for operating assistance or purchase of service only)			
5310 – Elderly Individuals and Individuals with Disabilities Program 5311 - Non-urbanized Area Formula Program 5316 – Job Access and Reverse Commute Program (JARC) 5317 – New Freedom Program			X
AE. Is any part of the county in an urbanized area according to the 2010 census?			X
AF. RGP funded trips are expected to be provided throughout the entire year. If the RGP funds are expended in less than a year, will the county provide county funds to prevent the discontinuation of transportation trips?		Service Remains	

Memorandum of Understanding
Choanoke Public Transportation Authority
Rural General Public Funds

In accordance with the North Carolina Department of Transportation Rural Operating Assistance Program (ROAP) State Management Plan, Choanoke Public Transportation Authority (CPTA) is eligible for an additional flexibility to be able to transfer funds between Counties being a Regional Transit System.

When General Funds are depleted in one of the following counties (Bertie, Halifax, Hertford and Northampton), Choanoke Public Transportation Authority will have the need to transfer funds from one County to another due to the transportation service demands.



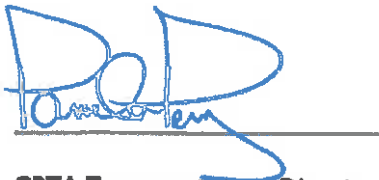
Date 9-7-2018

County Manager



Date 9-7-18

County Finance



Date 8-27-18

CPTA Transportation Director



BERTIE COUNTY
Department of Social Services

PO Box 627
110 Jasper Bazemore Ave.
WINDSOR, NORTH CAROLINA 27983

TELEPHONE:
252-794-5320

June 29, 2018

Bertie County Manager's Office
Attn: Scott Sauer
PO Box 530
Windsor, NC 27983

Mr. Sauer,

On June 21, 2018, \$1,500.00 was received by Bertie County Finance from the State of North Carolina to go toward purchases for Bertie County DSS. Because the funds were received so late in the fiscal year, Bertie County DSS would like to request that the \$1,500.00 be moved into the budget for the 2018 – 2019 fiscal year to go towards the purchase of a heavy duty shredder. The units within the agency are beginning to conduct mass shredding of purged files and it would be beneficial for the agency to have another shredder.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink that reads "Cindy Perry".

Cindy Perry
Director

Budget Amendment for Aug 6th B.C.

William Roberson

From: OSC.nc.payment@osc.nc.gov
Sent: Wednesday, June 20, 2018 11:45 AM
Subject: NC E-Pay Remittance Advice

TO:
BERTIE COUNTY

PO BOX 530
WINDSOR NC 27983

RE:
Direct Deposit Notification

Within three business days, pending agency funding approval, your bank account will receive a direct deposit of \$1500.00 for payment number 22PT0000300189. It is your responsibility to confirm that this deposit was made and is available for your use.

These funds were paid by the following agency:
DHHS CONTROLLERS OFFICE (22PT)
AP - DCD
2019 MAIL SERVICE CENTER
RALEIGH, NC 27699-2019
Agency Contact Phone: 919-855-3700

Please direct all questions regarding this payment/deposit to the agency contact phone number listed directly above. This agency maintains information regarding your payment records. Any questions concerning payment amount and invoice information/documentation should be directed to the agency's Accounts Payable office and they will be happy to assist you with your inquiries PLEASE DO NOT REPLY TO THIS EMAIL.
CONTACT THE PAYING AGENCY AT THE NUMBER LISTED ABOVE.

Invoice Number	Inv Date	Invoice Amount	Discount Amount	Net Amount	
BERTIECOUNTY18	06/08/18	\$1500.00	\$00.00	\$1500.00	6/21 WIRE
BERTIE COUNTY 2018 OVER/UNDERPAYMENT PROCESSING					
TOTAL:		\$1500.00			

This notification was sent from the North Carolina Office of the State Controller.
If this notification has been sent in error, please contact the agency listed above to make corrections.

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.



C-6



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

September 6, 2018

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 "Tax Release Journal" (Ledger) manually maintained in the tax office, both relative to Tax Releases which are now ready for your approval.

The releases herein are for the month of **August** and this request for your approval is made pursuant to a "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____

=====

Balance a Group

Group: RLS*18*243
Type: A Abatement/Relea
Status: O Open

Group Total:	\$132.09-	Group Transaction Count:	1
Transactions Total:	\$132.09-	Transaction File Count:	1
Difference:	\$0.00	Difference:	0

=====

Enter certify batch as balanced(B) or cancel(XX)

RLS*18*243	DATE	NAME	CODE	LEVY	ADV	PEN	INT	TOTAL
2018	8/27/2018	Leary, Carolyn 18A6818995154	G01	\$132.09		\$0.00		\$132.09
		Elderly Exemp. Was not fully applied						
								<u>\$132.09</u>

Tax Collections
 09/06/18
 Group Number RLS*18*243

Account Number 18A0818005194
 Name LEARY, CAROLYN D

Bill Number 18A0818005194
 Date 08/27/18

Detail Transactions by Group
 Assessment

Effective Date 08/27/18
 Amount 132.09-
 Addl Chgs 0.00
 Interest 0.00
 Tax Amount 132.09-
 Total 132.09-

601*10- BR7 TAX
 Total for Group
 RLS*18*243

Totals by Tax Cycle
 Current 0.00
 Delinquent 132.09-

Line	Code	Amount	Chgs	Interest	Amount	Check	Invoice	Rev
1								
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C-7

**2018 SOLID WASTE DISPOSAL FRANCHISE ORDINANCE
BERTIE COUNTY, NORTH CAROLINA**

ARTICLE I

SECTION 1.0 – AUTHORITY AND ENACTMENT CLAUSE

Pursuant to the authority conferred by North Carolina General Statute § 153A-136(a)(3), THE BOARD OF COUNTY COMMISSIONERS OF BERTIE COUNTY, NORTH CAROLINA DOES HEREBY ORDAIN AND ENACT INTO LAW THE FOLLOWING ARTICLES AND SECTIONS:

SECTION 1.1 – PURPOSE

This 2018 Franchise Ordinance is enacted to promote and protect the health, safety and welfare of the citizens of Bertie County. It is the intention of the Board of County Commissioners that the provisions of this 2018 Franchise Ordinance will encourage the establishment and continuance of a secure, safe, and economical system of solid waste disposal in the County that will comply with state and federal laws regulating such disposal. It is the further intention of the Board of County Commissioners that this 2018 Franchise Ordinance has the effect of updating prior Bertie County solid waste disposal franchise ordinances first effective on May 19, 1998, and later amended as effective on October 17, 2000, and later amended as effective on November 17, 2008 (hereinafter “2008 Franchise Ordinance”) (collectively, the “Prior Franchise Ordinances”) only so far as it is necessary to: (a) comply with federal and state statutory and regulatory changes enacted subsequent to adoption of the Prior Franchise Ordinances; (b) reflect changes in the Facility Plan that have occurred since passage of the Prior Franchise Ordinances; and (c) extend the term of the 2008 Franchise Ordinance for the “Life of Site” (as defined in North Carolina General Statute § 130A-294(a2) (Session Law 2017-211)) of the East Carolina Environmental Landfill, a municipal solid waste management facility as defined in North Carolina General Statute § 130A-290(18b) (referred to herein as the “Landfill”). This 2018 Franchise Ordinance shall not have the effect of amending, invalidating or repealing any portion of the agreement entered into by and between Bertie County and East Carolina Environmental, Inc. (now Republic Services of North Carolina, LLC (“Republic Services”)) dated April 19, 1994 (“1994 Host Agreement”), or any subsequent amendments or agreements between Bertie County and Republic Services.

ARTICLE II

SECTION 2.0 – TITLE

This 2018 Franchise Ordinance shall be known and may be cited as the 2018 Bertie County Solid Waste Disposal Franchise Ordinance.

ARTICLE III

SECTION 3.0 – GRANT OF MUNICIPAL SOLID WASTE DISPOSAL FRANCHISE

To enable secure, safe and economical disposal of solid waste in Bertie County, Republic Services is granted an exclusive franchise to operate the Landfill in Bertie County for the Life of Site of the Landfill. This 2018 Franchise Ordinance shall become effective on _____, 2018. No other person or entity may operate a municipal solid waste landfill in Bertie County during the period of this 2018 Franchise Ordinance.

SECTION 3.1 – DESCRIPTION OF MUNICIPAL SOLID WASTE LANDFILL

The Landfill consists of 662.59 acres, located north of the intersection of Republican and Harmon Roads, south of Aulander, Bertie County, North Carolina. The deeds for the Landfill are provided in **Exhibit A** and incorporated herein by reference. The boundary and cells of the Landfill are depicted on **Exhibit B** and incorporated herein by reference.

SECTION 3.2 – DESCRIPTION OF FRANCHISE

- 3.2.1 Population and Geographical Area Served. The geographical area served by the Landfill is all of the incorporated and unincorporated areas of the State of North Carolina. The population to be served shall be all persons and entities within the above area, including residential, municipal, industrial, institutional and commercial customers and contractors.
- 3.2.2 Volume and Characteristic of Waste Stream. The permitted gross volume of the Landfill is approximately 24,200,000 cubic yards. The remaining capacity of the Landfill under the existing permit is approximately 11,147,278 cubic yards. The maximum disposal rate is 1,600 tons per day, 365 days per year, or 584,000 tons per year. The Landfill accepts municipal solid waste, non-hazardous commercial, industrial and institutional waste and other non-hazardous special waste types, but shall not accept waste prohibited from disposal in municipal solid waste landfills by applicable state or federal environmental law or prohibited by any of the terms and conditions of any state or federal permits, licenses or approvals obtained with respect to Republic Services' operation of the Landfill.
- 3.2.3 Life Expectancy. The Life of Site of the Landfill (based on the average maximum annual disposal rate of 584,000 tons per year) is approximately 21 years.
- 3.2.4 Consistency with Solid Waste Management Plan. To ensure that the operation of the Landfill is consistent with Bertie County's solid waste responsibilities set forth in North Carolina General Statute § 130A-309.09A, Republic Services accepts municipal solid waste at the Landfill pursuant to this 2018 Franchise Ordinance and by agreement with the County (the 1994 Host Agreement and subsequent amendments). Further, Republic Services assists Bertie County in attaining Bertie County's waste reduction, reuse and recycling goals by operating a convenience center at the Landfill.

- 3.2.5 Government Oversight and Regulation of Fees. Bertie County oversees and regulates solid waste disposal fees (both residential and commercial) by way of agreement with Republic Services. Such tipping fees are a flat, scaled per-ton rate subject to an annual consumer price index adjustment. This 2018 Franchise Ordinance shall not by its terms impair the authority of the County to regulate fees as authorized by law. This 2018 Franchise Ordinance does not, in itself, regulate solid waste disposal fees.
- 3.2.6 Facility Plan. The Facility Plan for the Landfill is attached to this 2018 Franchise Ordinance as **Exhibit C** and incorporated herein by reference. The Facility Plan meets all requirements of North Carolina General Statute § 130A-294(b1)(2)(f).
- 3.2.7 Severability. In the event any one or more of the provisions contained in this 2018 Franchise Ordinance is, for any reason, stayed or held to be invalid, illegal, unconstitutional, or unenforceable in any respect, such invalidity, illegality, unconstitutionality or unenforceability shall not affect any other provision of this 2018 Franchise Ordinance.
- 3.2.8 Regulatory Uncertainty. The Board of County Commissioners recognizes that new statutes and rules are being considered and recently have been adopted regarding municipal solid waste landfills and solid waste disposal franchises. The Board of County Commissioners further recognizes that the recent consideration and adoption of these statutes and rules, and anticipated future legislative and regulatory action, lead to some uncertainty in the future of solid waste disposal. The Board of County Commissioners adopts this 2018 Franchise Ordinance to continue to provide the citizens of Bertie County with secure, certain, safe and economical disposal of solid waste during these uncertain times. If this 2018 Franchise Ordinance is, for any reason, stayed or held to be invalid, illegal, unconstitutional, or unenforceable in any respect, it is the intention of the Board of County Commissioners that the 2008 Franchise Ordinance remain valid and in effect, except that the expiration date of the 2008 Franchise Ordinance set forth in Section 3.0 of the 2008 Franchise Ordinance will be extended for a period of one (1) year, through and including October 8, 2019, and for one (1) year periods thereafter unless and until the Board of County Commissioners amends or repeals the 2008 Franchise Ordinance.

ARTICLE IV

SECTION 4.0 – EFFECTIVE DATE

This 2018 Franchise Ordinance shall become effective on _____, 2018.

Ernestine Byrd Bazemore, Chairman
Bertie County Board of Commissioners

Clerk to the Board



Bertie County

Board of Commissioners

DISCUSSION ITEMS

MEETING DATE: October 1, 2018

DEPARTMENT: Governing Body

TOPICS:

1. Fire Code Enforcement Updates by Planning Director, Traci White
2. Discuss Public Hearing for Airport Height Ordinance
3. Local Option Use and Sales Tax public education advertising
4. Discuss resolution submitted by Commissioner Lee – protecting NC farmers
5. Discuss proposed Social Media Comments and Public Records Policy – Bertie County Government Facebook page
6. Set 2018 Employee Luncheon date – Thursday, December 6, 2018

COUNTY MANAGER RECOMMENDATION OR COMMENTS: Discussion requested.

SUMMARY OF AGENDA ITEM AND/OR NEEDED ACTION(S): Discussion and/or approval as recommended.

ATTACHMENTS: Yes

LEGAL REVIEW PENDING: N/A

ITEM HISTORY: ---



D-1

BERTIE COUNTY FIRE CODE ENFORCEMENT HISTORY AND REQUIREMENTS

History

- ❖ NC Fire Code first effective in 1991
- ❖ Required an inspection schedule became effective Jan 1, 1993
 - Due to Imperial Foods Fire in Hamlet, NC which killed 25 people and injured many more soon after adoption of fire code in 1991
- ❖ Bertie County records for the adoption of the Fire Code cannot be located
- ❖ Office of State Fire Marshal was given a date of November 1992 as the date the county adopted the required Schedule of Inspections for Fire Code Enforcement and Compliance
 - There is no name signed on the document (see attached).
 - Minutes in October 1992 state that the schedule was presented, but not voted on.
- ❖ Legal opinion may be needed on whether the fire code may be included the ordinance that established the Inspections Department since it refers to “North Carolina State Building Code and related local building rules and regulations approved by the Building Code Council”.

Required Consistency with the State of North Carolina Fire Code

- ❖ The schedule requires certain types of occupancies be inspected on a regular schedule
 - Once a year
 - Hazardous, institutional, high-rise assembly (some exceptions noted in the code)
 - Once every 2 years
 - Industrial and educational (except public schools)
 - Once every 3 years
 - Assembly (less than 100 occupancy load), business, mercantile, storage, churches, synagogues and miscellaneous Group U occupancies (defined in the code book)
- ❖ The 2018 Fire Code becomes effective Jan 1, 2019
 - Continuing education courses will highlight any changes the inspectors need to be aware of.
- ❖ **Fire Code has not been properly enforced in Bertie County**
 - **In order to meet the schedule, support is needed from our Board of Commissioners.**
 - **Maintenance of an enforcement program to meet the state requirements will be time-consuming and require more man-power that we can meet with current staff.**
 - **The costs of non-compliance with state law far outweighs the costs of providing adequate staff.**
 - **The state has the ability to remove our inspections authority and take over fire inspections.**
 - **Any fire inspections completed by the State of North Carolina will have a cost computed and will be billed to Bertie County. Although the cost is unknown, the state indicates that it would be very expensive.**

Recommended Actions

- ❖ Adopt the NC Fire Code and required Schedule of Inspections.
 - Advertise and hold a public hearing, if required
- ❖ Determine fees and when they will be required.
 - Staff recommends a work session to discuss fees. Staff will contact other counties for comparison.
- ❖ Hire additional inspector, preferably a position as the Bertie County Fire Marshal
 - Position may be considered its own office/department or housed in Inspections or Emergency Management
- ❖ Current fire inspector in Inspections will work to begin the process of bringing the county into compliance with State requirements.

SCOPE AND ADMINISTRATION

this code is not considered a modification and does not require a permit.

105.7.7 Flammable and combustible liquids. A construction permit is required:

1. To install, repair or modify a pipeline for the transportation of flammable or *combustible liquids*.
2. To install, construct or alter tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and *combustible liquids* are produced, processed, transported, stored, dispensed or used. Maintenance performed in accordance with this code is not considered an installation, construction or alteration and does not require a permit.
3. To install, alter, remove, abandon or otherwise dispose of a flammable or *combustible liquid* tank.

105.7.8 Hazardous materials. A construction permit is required to install, repair damage to, abandon, remove, place temporarily out of service, or close or substantially modify a storage facility or other area regulated by Chapter 27 when the hazardous materials in use or storage exceed the amounts listed in Table 105.6.20.

Exceptions:

1. Routine maintenance.
2. For emergency repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.

105.7.9 Industrial ovens. A construction permit is required for installation of industrial ovens covered by Chapter 21.

Exceptions:

1. Routine maintenance.
2. For repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.

105.7.10 LP-gas. A construction permit for the installation of or modification to an LP-gas system may be required and approved by the North Carolina Department of Agriculture and Consumer Services.

105.7.11 Private fire hydrants. A construction permit is required for the installation or modification of private fire hydrants.

105.7.12 Spraying or dipping. A construction permit is required to install or modify a spray room, dip tank or booth.

105.7.13 Standpipe systems. A construction permit is required for the installation, modification or removal from service of a standpipe system. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

105.7.14 Temporary membrane structures and tents. A construction permit is required to erect an air-supported

temporary membrane structure or a tent having an area in excess of 400 square feet (37 m²).

Exceptions:

1. Tents used exclusively for recreational camping purposes.
2. Funeral tents and curtains or extensions attached thereto, when used for funeral services.
3. Tents and awnings open on all sides which comply with all of the following:
 - 3.1. Individual tents shall have a maximum size of 700 square feet (65 m²).
 - 3.2. The aggregate area of multiple tents placed side by side without a fire break clearance of not less than 12 feet (3658 mm) shall not exceed 700 square feet (65 m²) total.
 - 3.3. A minimum clearance of 12 feet (3658 mm) to structures and other tents shall be maintained.

SECTION 106 INSPECTIONS

In order to preserve and protect public health and safety and to satisfy the requirements of General Statute 153A-364 and General Statute 160A-424, political subdivisions assuming inspection duties, as set out in General Statute 153A-351 and General Statute 160A-411, shall have a periodic inspection schedule for the purpose of identifying activities and conditions in buildings, structures and premises that pose dangers of fire, explosion or related hazards. Such inspection schedule shall be approved by the local governing body and shall be submitted to the Office of State Fire Marshal of the Department of Insurance. In no case shall inspections be conducted less frequently than described in the schedule below:

Once every year

Hazardous, institutional, high-rise assembly except those noted below, and residential except one- and two-family dwellings and only interior common areas of dwelling units of multi-family occupancies. New and existing lodging establishments, including hotels, motels and tourist homes that provide accommodations for 7 or more continuous days (extended-stay establishments), bed and breakfast inns and bed and breakfast homes as defined in General Statute 130A-247 for the installation and maintenance of carbon monoxide alarms and detectors in accordance with General Statute 143-138(b2).

Once every two years

Industrial and educational (except public schools).

Once every three years Assembly occupancies with an occupant load less than 100, business, mercantile, storage, churches, synagogues, and miscellaneous Group U occupancies.

Frequency rates for inspections of occupancies as mandated by the North Carolina General Statutes shall supersede this schedule. Nothing in this section is intended to prevent a jurisdiction from conducting more frequent inspections than the schedule listed above or the schedule filed with the Office of State Fire Marshal of the Department of Insurance.

On unattended or vacant structures, the fire code official shall affix a letter on the premises in a conspicuous place at or near the entrance to such premises requesting an inspection in accordance with this section. This order of notice shall be mailed by registered or certified mail with return receipt requested, to the last known address of the owner, occupant or both. If the owner, occupant or both shall fail to respond to said notice within 10 calendar days, these actions by the fire code official shall be deemed to constitute an inspection in accordance with this section.

106.1 Inspection authority. The *fire code official* is authorized to enter and examine any building, structure, marine vessel, vehicle or premises in accordance with Section 104.3 for the purpose of enforcing this code.

106.2 Inspections. The *fire code official* is authorized to conduct such inspections as are deemed necessary to determine the extent of compliance with the provisions of this code and to approve reports of inspection by *approved* agencies or individuals. All reports of such inspections shall be prepared and submitted in writing for review and approval. Inspection reports shall be certified by a responsible officer of such *approved* agency or by the responsible individual. The *fire code official* is authorized to engage such expert opinion as deemed necessary to report upon unusual, detailed or complex technical issues subject to the approval of the governing body.

106.2.1 Inspection requests. It shall be the duty of the holder of the permit or their duly authorized agent to notify the *fire code official* when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

106.2.2 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the *fire code official*. The *fire code official*, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the *fire code official*.

106.3 Concealed work. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Whenever any installation subject to inspection prior to use is covered or concealed without having first been inspected, the *fire code official* shall have the authority to require that such work be exposed for inspection. Neither

the *fire code official* nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

106.4 Approvals. Approval as the result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel provisions of this code or of other ordinances of the jurisdiction shall not be valid.

SECTION 107 MAINTENANCE

107.1 Maintenance of safeguards. Whenever or wherever any device, equipment, system, condition, arrangement, level of protection, or any other feature is required for compliance with the provisions of this code, or otherwise installed, such device, equipment, system, condition, arrangement, level of protection, or other feature shall thereafter be continuously maintained in accordance with this code and applicable referenced standards.

107.2 Testing and operation. Equipment requiring periodic testing or operation to ensure maintenance shall be tested or operated as specified in this code.

107.2.1 Test and inspection records. Required test and inspection records shall be available to the *fire code official* at all times or such records as the *fire code official* designates shall be filed with the *fire code official*.

107.2.2 Reinspection and testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the *fire code official* for inspection and testing.

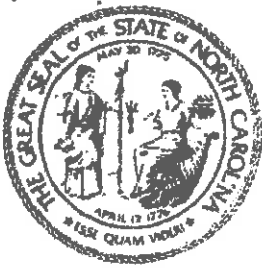
107.3 Supervision. Maintenance and testing shall be under the supervision of a responsible *person* who shall ensure that such maintenance and testing are conducted at specified intervals in accordance with this code.

107.4 Rendering equipment inoperable. Portable or fixed fire-extinguishing systems or devices and fire-warning systems shall not be rendered inoperative or inaccessible except as necessary during emergencies, maintenance, repairs, *alterations*, drills or prescribed testing.

107.5 Owner/occupant responsibility. Correction and abatement of violations of this code shall be the responsibility of the *owner*. If an occupant creates, or allows to be created, hazardous conditions in violation of this code, the occupant shall be held responsible for the abatement of such hazardous conditions.

107.6 Overcrowding. Overcrowding or admittance of any *person* beyond the *approved* capacity of a building or a portion thereof shall not be allowed. The *fire code official*, upon finding any overcrowding conditions or obstructions in *aisles*, passageways or other *means of egress*, or upon finding any condition which constitutes a life safety hazard, shall be authorized to cause the event to be stopped until such condition or obstruction is corrected.

BERTIE



BUILDING CODE COUNCIL STATE OF NORTH CAROLINA

Staffed By
N. C. DEPARTMENT OF INSURANCE

100 N. ROYAL BANK BLDG
SOUTH PLANTANET, N. C. 27601
(919) 442-9911

BUILDING CODE COUNCIL

SAM T. SNOWDON JR. AIA - 31
(Architect)
Snowdon & Associates P.A.
600 S. Main Street, Suite F
Laurinburg, NC 28352

Structural Engineers

JOHN R. ANDREW, P.E. - 87
(Structural Engineer)
Andrew & Kuske Consulting Engineers
202 North Fifth Avenue
Wilmington, NC 28401

Plumbers

JAMES G. ANDREWS JR. - 9A
(Plumbing and Heating Contractor)
J. G. Andrews, Inc.
P. O. Box 2837
Winston-Salem, NC 27102

CLIFTON N. BISHOP, P.E. - 97
(Mechanical Engineer)
Craftsmen Fabrics Indust., Inc.
P. O. Box 1329
Concord, NC 28026

J. HARMON BYRD, P.E. - 53
(State Agency)
Division of State Construction
NC Dept. of Administration
300 N. Salisbury St.
Raleigh, NC 27611

LUDWIG P. DICKERSON - 93
(Home Builder)
Homes by Dickerson
2301 Stonehenge Drive, Suite 137
Raleigh, NC 27615

EARL DRIGGERS - 85
(Electrical Contractor)
Driggers Elec. & Control Co.
P. O. Box 36873
Charlotte, NC 28236

BARRY W. GARDNER - 97
(General Contractor)
Sneko, Inc.
P. O. Box 25747
Winston-Salem, NC 27114-5747

CLAYTON S. LINDBERGH - 91
(Public Representative)
319 Colville Road
Charlotte, NC 28207

ROBERT C. PIERCE - 85
(Gas Industry)
Piedmont Natural Gas Co.
P. O. Box 33068
Charlotte, NC 28233

JAMES W. SMITH II - 97
Asheboro Fire Department
P. O. Box 2509
Asheboro, NC 27204

ELLIS P. THOMAS, P.E. - 90
(Electrical Engineer)
Piedmont Olsen, Inc.
P. O. Box 31398
Raleigh, NC 27622

EDWARD L. WOODS, P.E. - 97
(Building Inspector)
Director of Building Standards Dept.
Mecklenburg County
P. O. Box 31687
Charlotte, NC 28231

N. C. DEPARTMENT OF INSURANCE

JIM LONG
Commissioner

LFE HAUSER, P.E.
Deputy Commissioner and
Secretary to Council

October 1, 1993

Dear Fire Marshal:

On December 10, 1991, the North Carolina Building Code Council added the following inspection schedules to the North Carolina State Fire Code:

Section 107 - Inspection Schedules

In order to preserve and to protect public health and safety, and to satisfy the requirements of G. S. 153A-364 and G. S. 160A-424, political subdivisions assuming inspection duties, as set out in G. S. 153A-351 and G. S. 160A-411, shall have a periodic inspection schedule for the purpose of identifying activities and conditions in buildings, structures, and premises that pose dangers of fire, explosion, or related hazards. Such inspection schedule shall be approved by the local governing body and shall be submitted to the Division of Engineering of the Department of Insurance by January 1, 1993. In no case may inspections be conducted less frequently than described in the schedule below:

Once every year (Hazardous, Institutional, High Rise, Assembly and Residential except one and two family dwellings and only interior common areas of dwelling units of multi-family occupancies)

Once every two years (Educational except public schools) and Industrial

Once every three years (Business, Mercantile Storage, Churches and Synagogues)

Fire Marshal
October 1, 1993
Page 2

BERTIE COUNTY

Frequency rates for inspections of occupancies as mandated by the NC General Statutes shall supersede this schedule. Nothing in this section is intended to prevent a jurisdiction from conducting more frequent inspections than the schedule listed above or the schedule filed with the Engineering Division of the NC Department of Insurance.

According to our records we have not received your approved inspection schedule required by this new code section. Please complete the following:

1. My jurisdiction adopted an inspection schedule on 11-92 which is the same as that required by the code.
2. My jurisdiction adopted the following inspection schedule on _____.

At their December 1993 meeting we will report to the Council compliance with this code section and will need your reply by December 1, 1993.

Thank you for your assistance.

Sincerely,

Lee Hauser

Lee Hauser, PE
Secretary

LH:ss

BERTIE COUNTY ORDINANCE, # 1985-1ORDINANCE CREATING BERTIE COUNTY INSPECTION DEPARTMENT AND TO ENFORCE WITHIN BERTIE COUNTY NORTH CAROLINA STATE BUILDING CODE AND RELATED LOCAL BUILDING RULES AND REGULATIONS EFFECTIVE JULY 1, 1985.

The Board of Commissioners Of Bertie County, North Carolina, Do Ordain As Follows:

Article I. Authority For And Purpose of Ordinance.

1-1. Authority For Ordinance. This ordinance is adopted by Authority of General Statutes of North Carolina, Chapter 153A, Article 18, Part 4, and other General Statutes relating to Building Safety and Maintenance and to the enforcement within the County of Bertie of the North Carolina State Building Code and related local building rules and regulations approved by the Building Code Council.

1-2. Purpose of Ordinance.

- (a). To provide for the enforcement within Bertie County of the North Carolina State Building Code and related local building rules and regulations approved by the Building Code Council.
- (b). To create the Bertie County Inspection Department.
- (c). To provide for the appointment of one or more Bertie County Building Inspectors.
- (d). To repeal previously existing Bertie County Ordinance relating to County Inspection Department and County Electrical Inspector.
- (e). To repeal previously existing Bertie County Ordinance relating to Bertie County Energy and Insulation Inspector.

Article II. Bertie County Inspection Department And Building Inspectors.

2-1. Inspection Department Created. There is hereby created the Bertie County Inspection Department consisting of one or more Inspectors appointed by the Board of County Commissioners.

2-2. Position Of Building Inspector Created. There is hereby created the position of Bertie County Building Inspector. The Board of Commissioners of Bertie County is hereby authorized to appoint from time to time one or more Bertie County Building Inspectors and to fix the salary and expense allowance therefor, as provisions therefor shall be made in the annual County Budgets.

2-3. Duties And Responsibilities. The duties and responsibilities of the Bertie County Inspection Department and of the Bertie County Building Inspectors in that Department are and shall be to enforce within Bertie County's territorial jurisdiction the North Carolina State Building Code and related local building rules and regulations approved by the Building Code Council, the provisions of this ordinance, and other reasonable and appropriate provisions and regulations that may be enacted from time to time by the Board of Commissioners of Bertie County, relating to:

- (1) The construction of buildings.
- (2) The installation of such facilities as plumbing systems, electrical systems, heating systems, refrigeration systems, and air-conditioning systems.
- (3) The installation of insulation.
- (4) The maintenance of buildings in a safe, sanitary, and healthful condition.
- (5) Other matters that may be specified by the Board of Commissioners of Bertie County.
- (6) To receive applications for permits, to issue or deny permits, to make necessary inspections, to issue or deny certificates of compliance, to issue orders to correct violations, to bring judicial actions against actual or threatened violations, to keep adequate records, and to take any other actions that may be necessary to adequately enforce the North Carolina State Building Code and related local building rules and regulations approved by the Building Code Council, and the provisions of this ordinance, and other reasonable and appropriate provisions and regulations that may be enacted from time to time by the Board of Commissioners of Bertie County.

2-4. Forms, Records and Reports. The Bertie County Inspection Department and each Bertie County Building Inspector shall use forms for applications, permits and records as approved by the North Carolina Commissioner of Insurance and as shall be required by the Bertie County Manager or the Board of Commissioners of Bertie County; shall keep complete records of all applications received, all permits issued, all permits denied, all permits revoked, all stop orders issued, all inspections and reinspections made and other official work performed in accordance with the provisions of this ordinance; and shall submit periodic reports to the County Manager, to the Board of Commissioners, to the managers, mayors and governing bodies of the towns the territories within which are placed within the authority of the County Inspection

Department, and to State Agencies as required by law.

2-5. Qualifications Of Building Inspectors. No one shall be appointed to the office of Bertie County Building Inspector unless he or she shall have first obtained from the North Carolina Code Officials Qualifications Board and submitted to the County Manager and to the Board of County Commissioners a certificate showing that he or she is a "Qualified Code-Enforcement Official" and as such is qualified under Article 9B of Chapter 143 of the General Statutes of North Carolina to engage in the practice of Building Code Enforcement.

2-6. Oath Of Office. Each Building Inspector shall take an oath to faithfully perform the duties of his office.

2-7. Applications And Fees. At the time any application is filed in Bertie County for a building permit or for any other kind or class of permit that is required by the North Carolina State Building Code or related local building rules and regulations, that have been approved by the Building Code Council, the applicant shall pay to Bertie County a fee the amount of which shall be determined as hereinafter provided. From time to time the Board of Commissioners of Bertie County by its resolutions, duly adopted, shall establish a schedule of fees which shall be applicable to and collected from applicants for building permits of various kinds and classes; shall designate one or more officers or employees of Bertie County with whom shall be filed applications for building permits; and shall designate one or more officers or employees of Bertie County who shall collect and receive and issue receipts for building permit application fees.

2-8. Inspector Not To Engage In Private Business. No person who holds the position of Bertie County Building Inspector shall engage in or hold any interest in the occupations or businesses of construction of buildings, installation of plumbing systems, installation of electrical systems, installation of heating systems, installation of refrigeration systems, installation of air-conditioning systems, or installation of insulation.

Article III. Jurisdiction Within Towns.

3-1. Towns May Request County Building Inspectors To Exercise Powers Within The Municipalities. The Board of Commissioners or Town Council of any incorporated town located within Bertie County shall have the right, by its resolution duly adopted, to request the Board of County Commissioners to direct a Bertie County Building Inspector to exercise within all of the town's territorial jurisdiction all of his or her powers as provided by the General Statutes of North Carolina and by the North Carolina State Building Code and by this Ordinance. All such requests shall be made on resolution forms provided by Bertie County and on terms and conditions approved by the Board of Commissioners of Bertie County. Each such town shall deliver three certified copies of its request resolution to the Bertie County Manager who shall then submit the request to the Board of Commissioners of Bertie County. After the request shall have been accepted by the Board of County Commissioners, such acceptance shall be certified by its Chairman and Clerk on the three certified copies of the town's request resolution which shall then be distributed as follows: (1) one back to the town; (2) one to the County Inspection Department; and (3) one to the Bertie County Manager.

3-2. County Building Inspector To Exercise Powers Within Municipalities. Upon the acceptance by the Board of Commissioners of Bertie County of a request duly made by the Board of Commissioners or Town council of any incorporated town located within Bertie County the Bertie County Inspection Department and the Bertie County Building Inspector are hereby directed to exercise within the territorial jurisdiction of such incorporated town all of the powers and to perform the duties granted and imposed upon the County Inspection Department and Upon the County Building Inspector by the General Statutes of North Carolina and by the North Carolina State Building Code and by this Ordinance.

3-3. County Employee. While performing his or her duties within the territorial jurisdiction of any town the Bertie County Building Inspector shall continue to be a County Employee.

3-4. Termination. The authority of the Bertie County Inspection Department and of the Bertie County Building Inspector within any incorporated town may be terminated by the Town or by the County upon thirty days notice given by either to the other pursuant to resolution adopted by the Board of Commissioners or Town Council of the town or by resolution adopted by the Board of County Commissioners.

ARTICLE IV. Existing Ordinances Repealed.

4-1. Earlier Ordinance For County Inspection Department and County Electrical Inspector Repealed. That certain ordinance designated and entitled BERTIE COUNTY ORDINANCE, #1974-2. ORDINANCE ADOPTING STATE ELECTRICAL CODE; CREATING COUNTY INSPECTION DEPARTMENT; CREATING OFFICE OF COUNTY ELECTRICAL INSPECTOR; DUTIES; PERMITS; PROCEDURES; PENALTIES FOR FAILURE TO COMPLY, that was adopted by this Board on the 19th day of March, 1974, and made effective the first day of April, 1974, be and the same is hereby repealed.

4-2. Earlier Ordinance For County Energy And Insulation Inspector Repealed. That certain ordinance designated and entitled BERTIE COUNTY ORDINANCE, #1977-3, AN ORDINANCE TO LICENSE INSULATION CONTRACTORS AND OTHERS WHO INSTALL MATERIALS AND EQUIPMENT DESIGNED TO MEET THE ENERGY CONSERVATION STANDARDS OF THE STATE BUILDING CODE, that was adopted by this Board on the 20th day of December, 1977, and made effective the first day of January, 1978, be and the same is hereby repealed.

Article V. Effective Date.

5-1. Effective Date. This Ordinance shall be effective on and after the first day of July, 1985.

Adopted by the Board of Commissioners of Bertie County on the first day of April, 1985.

Charles H. Edwards, Chairman of the Board of
Commissioners of Bertie County, North Carolina

ORDINANCE FOR ADOPTION OF NORTH CAROLINA FIRE PREVENTION CODE

An ordinance of Bertie County adopting the North Carolina Fire Prevention Code, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in Bertie County; providing for the issuance of permits and collection fees therefore.

The Board of Commissioners of Bertie County does ordain as follows:

Section 1. Jurisdiction

This ordinance shall apply to the jurisdiction of Bertie County and within the jurisdiction of any municipality located in Bertie County whose governing body agrees, by resolution, to such applicability.

Section 2. Adoption.

(a) Except as hereinafter amended, the provisions of the North Carolina Fire Prevention Code with all included Appendixes, current edition, adopted by the North Carolina Building Code Council is hereby adopted and made applicable as the Fire Prevention Code of Bertie County. A copy of such code shall be maintained in the office of the Bertie County Building Inspector, fire departments and in the office of the Clerk to the Board of the Bertie County. The specific provisions of the aforesaid state building code herein referred to as the fire prevention code are hereby incorporated into this section as fully as if set out herein verbatim.

(b) The listed standards and publications which comprise a part of the Fire Prevention Code, as the same may be periodically revised and updated, shall be applicable and enforced within the county.

(c) Amendments to the North Carolina Fire Prevention Code, which are adopted and published by the North Carolina State Building Code Council, shall be effective on the date prescribed by the North Carolina State Building Code Council.

(d) The North Carolina State Building Code volume that is titled Administration & Enforcement Requirements is hereby referenced for the administration of the North Carolina Fire Prevention Code, current edition for periodic inspection of building altered, repaired or rehabilitated in accordance with the Existing Building Code.

Section 3. Relationship to Laws and Standards

The provisions of the North Carolina Fire Prevention Code, as amended periodically, are incorporated by reference herein. In the event that any provision of this ordinance is in material conflict with that provision of the North Carolina Fire Prevention Code, then the North Carolina Fire Prevention Code provisions shall take precedence over the conflicting provision of this ordinance.

Section 4. Application of Ordinance.

The provisions of this ordinance shall apply to new and existing conditions and structures, and to the repair, use occupancy and maintenance of existing buildings or structures specified in the North Carolina Fire Prevention Code, and to other conditions hazardous to life or property.

Section 5. Schedule for Inspection of Buildings and Premises

It shall be the duty of the Fire Inspector to inspect, or cause to be inspected all buildings and premises as required by the North Carolina Fire Prevention Code as adopted by the Building Codes Council.

Section 6. Effective Date

This ordinance shall become effective upon adoption

Section 7. Adoption Certification

I hereby certify that this is a true and correct copy of the Adoption of the North Carolina Fire Prevention Code of North Carolina as adopted by the Board of Commissioners of Bertie County, North Carolina, on the _____ day of _____, 20__.

WITNESS my hand and the official seal of _____, this the _____ day of _____, 20__.

Chair, Bertie County Board of Commissioners

Clerk to the Board



D-2



BERTIE COUNTY
PLANNING & INSPECTIONS

PO Box 530 106 DUNDEE STREET
WINDSOR, NC 27983

PHONE (252)794-5336

Fax (252)794-5361

www.co.bertie.nc.us

MEMORANDUM

TO: Bertie County Board of Commissioners

FROM: Traci White, Planning Director

RE: **PLANNING BOARD REVIEW AND RECOMMENDATIONS FOR THE TRI-COUNTY AIRPORT HEIGHT RESTRICTION ORDINANCE IN BERTIE COUNTY**

DATE: May 2, 2018

The Bertie County Planning Board met on April 26th to review and discuss the proposed Tri-County Airport Height Restriction Ordinance for Bertie County. The following concerns were raised during the discussion and the consensus was to forward the following concerns and recommendations to the BCC:

1. Zoning map, dated 2004, may need to be updated to include proposed extension of runway.
2. Zoning map should be compatible with Bertie County GIS and be shown as a layer on the Bertie County GIS.
3. Remove "trees" from regulatory language throughout ordinance.
4. Take into consideration that the ordinance, Section 1.05 (p. 6-7), last paragraph, places responsibility on Bertie County to institute legal action, if necessary, for enforcement. Have County Attorney review and consider possible expenses.
5. Recommend that the Zoning Board of Adjustment be changed to 5 members and that the Board of Commissioners serve as this board due to the quasi-judicial nature of its decisions. The Planning Board is advisory, not quasi-judicial. Appeals of the decisions of the Board of Adjustment go to the courts. Planning Director recommends that Planning Board remain advisory to the Board of Adjustment, review cases and make recommendations.

Bertie County, North Carolina
Tri-County Airport Height Restriction Ordinance

§ 1 ORDINANCE SECTION

- 1.01 Short Title
- 1.02 Definitions
- 1.03 Airport Height Zones and Height Limitations
- 1.04 Use Restrictions
- 1.05 Nonconforming Uses - Regulations Not Retroactive
- 1.06 Permits
- 1.06 Variances
- 1.08 Enforcement
- 1.09 Zoning Board of Adjustment
- 1.10 Appeals
- 1.11 Judicial Review
- 1.12 Penalty
- 1.13 Conflicting Regulations
- 1.14 Severability
- 1.15 Effective Date

Statutory reference:

NC General Statutes, Model Airport Zoning Act, § 63-30 et seq.
NC General Statutes, Specific Powers of Municipalities Operating Airports, § 63-53
NC General Statutes, Chapter § 153A-340 et seq.

PURPOSE AND INTENT

AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY IN THE VICINITY OF THE TRI-COUNTY AIRPORT, HERTFORD COUNTY, NORTH CAROLINA.

APPLICABILITY

This Ordinance is adopted pursuant to the authority conferred under Chapter 63 of the North Carolina General Statutes, Article 4. Accordingly, it is declared:

1. that the creation or establishment of an obstruction has the potential of being a public nuisance and may impact the utility of the Tri-County Airport and the public investment therein;
2. that it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented, and;
3. that the prevention of these obstructions should be accomplished, to the extent legally permissible, by the exercise of the authority invested in **Bertie County**

Bertie County, North Carolina
Tri-County Airport Height Restriction Ordinance

§ 1 ORDINANCE SECTION

- 1.01 Short Title
- 1.02 Definitions
- 1.03 Airport Height Zones and Height Limitations
- 1.04 Use Restrictions
- 1.05 Nonconforming Uses - Regulations Not Retroactive
- 1.06 Permits
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Tri-County Airport Height Restriction Ordinance

It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or the marking and lighting of obstructions are in the public interest for which a political subdivision may raise and expend public funds and acquire land or interests in land.

SECTION § 1.01 SHORT TITLE

IT IS HEREBY ORDAINED BY the **Bertie County Commission**, as follows:

This Ordinance shall be known and may be cited as the "Tri-County Airport Height Restriction Ordinance." This attached map shall be known and may be cited as the "Tri-County Airport Height Restriction Ordinance Map".

SECTION § 1.02 DEFINITIONS

For the purpose of this Ordinance the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADMINISTRATOR: – The individual responsible for performing the administrative functions of this ordinance. The administrator shall be the **Bertie County Planning Director**, unless otherwise designated or represented.

AIRPORT: The Tri-County Airport, North Carolina (ASJ)

AIRPORT AUTHORITY: – An appointed group of members representing the interests of the Tri-County Airport.

AIRPORT ELEVATION: – The highest point of an airport's usable landing area measured in feet (tenths) from mean sea level.

AIRPORT HAZARD: Any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking-off at the airport or is otherwise hazardous to such landing or taking-off of aircraft.

AIRPORT REFERENCE POINT (ARP): The point established as the approximate geographic center of the airport landing area and so designated.

APPROACH SURFACE: A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 1.03 of this Ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES: These zones are set forth in Section 1.03 of this Ordinance.

CONICAL SURFACE: A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty feet horizontally for each one foot vertically (20:1) for a horizontal distance of 4,000 feet.

Bertie County, North Carolina
Tri-County Airport Height Restriction Ordinance

COUNTY: shall mean the governing body of the Commissioners of Bertie County, North Carolina.

COUNTY ZONING BOARD OF ADJUSTMENT: A board consisting of seven members as appointed by Bertie County, North Carolina.

EXCEPTED HEIGHT LIMITATIONS: – Means that nothing in this Ordinance shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree or other vegetation to a height up to 50 feet above the surface of the land.

HAZARD TO AIR NAVIGATION: - An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace. A determination by the Federal Aviation Administration as to a hazard to air navigation is per FAA Form 7460-1.

HEIGHT: For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the Tri-County Airport Height Restriction Ordinance Map, the datum shall be mean sea level elevation unless otherwise specified.

LARGER THAN UTILITY RUNWAY: A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

LAND USE, COMPATIBLE: The use of land adjacent to the Airport that does not endanger the health, safety, or welfare of the owners occupants, or users of the land because of levels of noise or vibrations or because of the risk of personal injury or property damage created by the operation of the Airport, including the take-off and landing of aircraft.

NONCONFORMING USE: Any structure, tree or use of land which does not conform to a regulation prescribed in this Ordinance or any amendment thereto, as of the effective date of such regulation.

NON-PRECISION INSTRUMENT RUNWAY: - A runway end having an instrument procedure utilizing air navigation facilities with horizontal approach guidance or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

OBSTRUCTION: - Any structure, growth, or other object, including a mobile object, which exceeds a limiting height.

PERSON: An individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

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Tri-County Airport Height Restriction Ordinance

PRECISION INSTRUMENT RUNWAY: A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned.

PRIMARY SURFACE: – A surface longitudinally centered on a runway extending 200 feet beyond each end of a hard surfaced runway. The width of the primary surface is set forth as specified by the width of the runway inner approach surface. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

RUNWAY: - A defined area on an airport prepared for landing and take-off of aircraft along its length. The runway end is the physical end of the hard-surfaced asphalt or turf runway threshold, having a defined coordinate and elevation as noted on the Tri-County Airport Height Restriction Ordinance Map.

RUNWAY ENDS: - Refers to the planned usable physical end of the hard-surfaced asphalt runway, having a defined coordinate and elevation as noted on the Tri-County Height Restriction Ordinance Map.

STRUCTURE: - An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

TREE: Any object of natural growth.

State law references: Definitions relating to municipal airports, G.S. § 63-1.

SECTION § 1.03: AIRPORT HEIGHT ZONES AND HEIGHT LIMITATIONS

In order to carry out the provisions of this Ordinance, there are created and established certain zones which include all of the land lying within the instrument approach zones, non-instrument approach zones, transition zones, horizontal zones, and conical zone. Such areas and zones are shown on the [Tri-County Airport Height Restriction Ordinance Map, dated May, 2004](#), which is incorporated by reference and made a part hereof. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are established and defined as follows:

- (A) **Primary Surface Zone** - A rectangular surface longitudinally centered on a runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Runway 1-19: 1,000 feet wide and extends 200 feet beyond each runway end.

- (B) **Approach Surface Zones** – A trapezoidal inclined plane symmetrically centered along the extended runway centerline, longitudinally extending outward and upward from the end of the primary surface. The perimeter of the approach

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Tri-County Airport Height Restriction Ordinance

surface coincides with the perimeter of the approach zone, extending per a boundary and slope defined below, and as shown on the Tri-County Airport Height Restriction Ordinance Map.

<u>Runway End</u>	<u>Inner Width/Length/Outer Width (Slope)</u>
Runway 1 approach surface zone*:	1,000' x 50,000' x 16,000' (0'-10,000' @ 50:1) (10,000' – 50,000' @ 40:1)
Runway 19 approach surface zone**:	1,000' x 50,000' x 16,000' (0'-10,000' @ 50:1) (10,000' – 50,000' @ 40:1)

- * portion of zone extends into Bertie County.
- ** portion of zone extends into Northampton County.

(C) Horizontal Surface Zone* - A plane, elliptical in shape, with a height one hundred and fifty (150) feet above the established airport elevation and having a specified radius from the center of the primary surface for each runway end. The perimeter of the horizontal surface coincides with the perimeter of the horizontal zone as indicated on the Tri-County Airport Height Restriction Ordinance Map.

Runway 1-19 horizontal radius: 10,000'

- * portion of zone extends into Northampton County.

(D) Conical Surface Zone* – A surface, elliptical in shape, extending radially outward and upward from the periphery of the horizontal surface zone at a slope of 20:1 for a horizontal distance of 4,000 feet and vertical elevation of 200 feet above the horizontal surface. The conical surface zone is shown on the Tri-County Airport Height Restriction Ordinance Map.

- * portion of zone extends into Northampton County.

(E) Transitional Surface Zones – Inclined planes with a slope of 7:1 measured upward and outward in a vertical plane at right angles to the centerline of the runway and approach surfaces. The transitional surface zones, located on either side of the runway and symmetrically parallel to and level with the runway centerline, extend upward and outward from the primary surface and approach surface elevation to a point intersecting the horizontal or conical surface (150 feet above the airport elevation). Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping 7:1 measured upward and outward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline. The transitional surface zones are shown on the Tri-County Airport Height Restriction Ordinance Map.

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Nothing in this Ordinance except as defined by Section 1.03 shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree, to a height of **50 feet** above the surface of the land.

SECTION § 1.04 USE RESTRICTIONS

Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any approach surface zone, horizontal surface zone, conical surface zone or transitional surface zone, in such manner as to create electrical interference with navigational signals or radio communication between the Airport and aircraft, make it difficult for flyers to distinguish between Airport lights and others, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the Airport, create bird strike hazards or otherwise endanger the landing, taking-off or maneuvering of aircraft intending to use the Tri-County Airport.

**SECTION § 1.05 NONCONFORMING USES –
REGULATIONS NOT RETROACTIVE**

The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted. Except as specifically provided in this section, it is not permissible for any person to engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation. Physical alteration of structures or the placement of new structures on open land is unlawful if they result in:

- a. An increase in the total amount of space devoted to a nonconforming use, or
- b. greater nonconformity with respect to height limitation.

Nonconforming Uses Abandoned or Destroyed - Whenever the **Administrator** determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

Marking and Lighting - Notwithstanding the preceding provision of this Ordinance, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the **Administrator** to indicate to the operators of aircraft in the vicinity of the Airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the **Airport Authority**

Notwithstanding any preceding provision of this Ordinance, if, by a determination of the NC Division of Aviation or Federal Aviation Administration, the encroachment of any structure or tree into regulated airspace is such that providing markers and lights is

Bertie County, North Carolina
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insufficient to protect the life and property of the flying public, the **Airport Authority** shall institute steps to have such structures or trees mitigated at the expense of the **Airport Authority**. If unsuccessful in obtaining the cooperation of the parties involved, **Bertie County** shall institute the appropriate legal action, as reasonably necessary, to insure the safety of the flying public in airspace regulated by this Ordinance.

SECTION § 1.06 PERMITS

N.C.G.S. §63-32 provides for the issuance of permits with respect to allowing the construction of new structures and other uses, and to replace existing structures and other uses, or making substantial changes therein or substantial repairs thereof. Permit applications shall be made to the **Administrator** upon a form published for that purpose.

Permit Application –Each application shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations prescribed in this Ordinance, including any additional information requested by the **Administrator** as necessary to determine compliance with this Ordinance and the laws of the State of North Carolina and any applicable federal rules or regulations. A copy of the permit application shall be furnished to the **County Building Inspector** and **Airport Authority**, or to other designated agents, for advice as to the aeronautical effects of the said permit application.

Permit Review - Applications required by this Ordinance shall be promptly considered and granted or denied. Application for action by the Zoning Board of Adjustment shall be forthwith transmitted by the **Administrator, or a designated representative**

1. **Future Uses** - Except as specifically provided in (a) and (b) hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

No permit for a use inconsistent with the provisions of this Ordinance, as depicted on the Tri-County Airport Height Restriction Ordinance Map, shall be granted unless a variance has been approved in accordance with Section 1.07.

- a. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than **50 feet** of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
- b. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than

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50 feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limits prescribed for such transition zones.

The preceding paragraphs (a) and (b) corresponds with permit areas (shaded yellow) identified on the Tri-County Airport Height Restriction Ordinance Map. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Ordinance except as set forth in Section 1.03 and Section 1.04.

2. Existing Uses - No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

SECTION § 1.07 VARIANCES

Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Ordinance, may apply to the **Administrator** for a variance from such regulations. The application for variance shall be accompanied by a determination from the NC Division of Aviation and/or Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Ordinance.

1. Obstruction Marking and Lighting - Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the **Zoning Board of Adjustment**, this condition may be modified to require the owner to permit the **Airport Authority**, at its own expense, to install, operate, and maintain the necessary markings and lights.

SECTION § 1.08 ENFORCEMENT

It shall be the duty of the **Administrator** to administer and enforce the regulations prescribed herein. Applications for permits required by this Ordinance shall be promptly considered and granted or denied. Applications for variances may require up to **forty-five (45) days**. The ordinance may be enforced by any one or more of the remedies authorized by G.S. 153A-123.

SECTION § 1.09 ZONING BOARD OF ADJUSTMENT

Bertie County, North Carolina
Tri-County Airport Height Restriction Ordinance

The **Zoning Board of Adjustment** shall have and exercise the following powers: (1) to hear and decide appeals from any order, requirement, decision, or determination made by the **Administrator** in the enforcement of this Ordinance; (2) to hear and decide special exceptions to the terms of this Ordinance upon which such **Zoning Board of Adjustment** under such regulations may be required to pass, and; (3) to hear and decide specific variances.

SECTION § 1.10 APPEALS

It shall be the duty of the **Zoning Board of Adjustment** to hear and decide appeals and review any orders, requirements, decisions or determinations made by the enforcement officer responsible for administration or enforcement of this Ordinance.

SECTION § 1.11 JUDICIAL REVIEW

Any person aggrieved or any taxpayer affected by any decision of the board of adjustment, or any office, department, board or bureau of the County, under this Ordinance, may petition the superior court for a review of such decision.

State law references: Judicial review, G.S. § 63-34.

SECTION § 1.12 PENALTIES

In accordance with North Carolina General Statutes § 63-35; each violation of this Ordinance or of any regulation, order, or ruling promulgated hereunder shall constitute a **Class 3 misdemeanor punishable by a fine of not more than one hundred dollars (\$100) or imprisonment for not more than thirty (30) days or both**; and each day a violation continues to exist shall constitute a separate offense.

State law references: Enforcement and remedies, G.S. § 63-35.

SECTION § 1.13: CONFLICTING REGULATIONS

Where this Ordinance imposes a greater or more stringent restriction upon the use of land than is imposed or required by any other ordinance or regulation of the County, the provisions of this Ordinance shall govern. Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

SECTION § 1.14: SEVERABILITY

If any of the provisions of this Ordinance or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

Bertie County, North Carolina
Tri-County Airport Height Restriction Ordinance

SECTION § 1.15: EFFECTIVE DATE

WHEREAS, the immediate operation of the provisions of this Ordinance is necessary for the preservation of the public health, public safety, and general welfare, an EMERGENCY is hereby declared to exist, and this Ordinance shall be in full force and effect immediately after its passing, publication, and posting, as required by law. This Ordinance shall be effective upon adoption.

Duly adopted this _____ day of _____, 20__

BERTIE COUNTY: _____

Chairperson, County Commissioners:

ATTEST:

County Clerk to the Commissioners



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TEACHER SUPPLEMENTS FOR BRIGHTER FUTURES

HOW CAN WE HELP TEACHERS?

The Bertie County Board of Commissioners and the Bertie County Board of Education have pledged that all revenue from a quarter-cent local option sales and use tax will be set aside for teacher supplements. If approved by you, the voters, the initiative would generate approximately \$175,000 in new revenue providing the perfect opportunity for Bertie to better compete with surrounding counties in recruiting the best teachers for the students of Bertie County.



APPLIES TO ALL

A sales tax increase would not just impact citizens. It would also apply to purchases made by visitors.

FACT: Many

surrounding counties have approved the same quarter-cent local option sales and use tax



\$100 pair of shoes with current tax rate = \$106.75 and with a 1/4 of penny sales tax added = **\$107.00**



PLEASE VOTE

Tuesday, November 6, 2018



EXCLUSIONS

Not to worry, grocery and gas costs will NOT go up. Those are ineligible under NC State law.

\$8 Lunch Special with current tax rate = \$8.54 and with a 1/4 of penny sales tax added = **\$8.56**





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D-4



BERTIE COUNTY

106 DUNDEE STREET
POST OFFICE BOX 530
WINDSOR, NORTH CAROLINA 27983
(252) 794-5300
FAX: (252) 794-5327
WWW.CO.BERTIE.NC.US

BOARD OF COMMISSIONERS

ERNESTINE (BYRD) BAZEMORE, Chair
RONALD "RON" WESSON, Vice Chairman
JOHN TRENT
TAMMY A. LEE
STEWART WHITE

RESOLUTION BY THE BERTIE COUNTY BOARD OF COMMISSIONERS TO PROTECT NORTH CAROLINA FARMERS

WHEREAS, agriculture is one of the most significant drivers of North Carolina's economy, creating tens of billions in economic activity, employing 17 percent of the state's workers and accounting for nearly 20 percent of the state's economy; and

WHEREAS, 26 lawsuits have been filed in North Carolina asserting nuisance allegations against Murphy-Brown, a subsidiary of Smithfield Foods; and

WHEREAS, while the lawsuits name Murphy-Brown as a defendant, most of the farms affected by the lawsuit are independently-owned family farms who, despite operating their farms in a law-abiding manner, stand to lose their livelihoods as result of the litigation; and

WHEREAS, during the trial phase of a recent case, the jury was denied the ability to conduct a site visit to experience first-hand the conditions complained of and after verdicts were reached, a gag order was entered preventing farmers and their neighbors from publicly discussing the conditions on their farms or the effects of the lawsuits on their farming communities.

WHEREAS, the Bertie County Board of Commissioners fear that if this verdict is not overturned, it will set a precedent with far reaching ramifications devastating to North Carolina's agricultural economy, harmful to rural farming communities and will push hardworking family farmers into bankruptcy by stymying their ability to produce fruits and vegetables, raise livestock and seafood, and grow crops and grains.

NOW, THEREFORE BE IT RESOLVED that the Bertie County Board of Commissioners does hereby support not only the Swine Farmers of Eastern North Carolina, but the many poultry, crop, and livestock farmers in the State who stand to face similar claims in their communities here and across the country.

Approved this the **1st** day of **October**, 2018.

Tammy Lee

Ernestine Bazemore

John Trent

Stewart White

Ronald "Ron" Wesson



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Bertie County Social Media Comments Policy & Public Records Statement

This is the official Facebook page for the government entity of Bertie County, North Carolina (referred to as “Bertie County Government”). This page is updated as needed and may not always be regularly monitored for questions or comments especially outside of normal business hours. Any communication via this page (whether by a County employee, community partner, or the general public) may be subject to monitoring and disclosure to third parties as a public record.

Content Disclaimer:

Bertie County Government makes use of a variety of forms of media to communicate to the public in an accurate, timely, and open manner. To this end, this Bertie County Government page is one way to provide communication to the public. The County welcomes participation and feedback from the public on this site. Once posted, the County reserves the right to delete comments that:

- Contain vulgar language
- Are personal attacks of any kind via “trolling” or other means
- Are offensive
- Are prejudiced or hurtful remarks made toward any person or entity, including any ethnic, racial or religious group
- Are spam or links to other sites, or files containing viruses that could damage the operation of other people’s computers or mobile devices
- Include sales/promotion of goods or services or links to other sites
- Advocate any kind illegal activity
- Promote people, services, products or political organizations
- Infringe on personal privacy, copyrights, or trademarks
- Are requests for emergency services (please DIAL 911)

*Please note that comments expressed on the County’s Facebook page do not reflect the opinions or positions of Bertie County Government, its employees or elected officials.