

**Windsor, North Carolina**  
**January 7, 2019**  
**REGULAR MEETING**

The Bertie County Board of Commissioners met 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  
Greg Atkins, 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  
Accounts Receivables Ellen Taylor  
Economic Development Director Steve Biggs  
Sheriff John Holley  
Deputy Doug Jernigan  
Deputy Beverly Peele  
Deputy Bonnie Powell  
Deputy Tim Hardy  
Deputy Roger Blount  
Deputy Jonathan Price  
Register of Deeds Annie Wilson

Junior Commissioners: Qudre Joyner  
Najella Williams

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

## CALLED TO ORDER

Chair Trent called the meeting to order.

## PLEDGE OF ALLEGIANCE

Vice Chairman Atkins led the Pledge of Allegiance.

## PUBLIC COMMENTS

John Sapper, Jail Administrator at the Bertie County Correctional Institution, reported that there were currently 470 employees at the prison. Vacancies were stable at 90, while 40 of those were listed as “entry level.” He noted that the COVAP testing had recently been eliminated. Interested applicants are encourage to contact the prison for more information about he open positions, as well as to receive any assistance on how to apply.

## APPOINTMENTS

### **Public Hearing #1: Amendment to Bertie County Flood Damage Prevention Ordinance**

The Board reviewed the proposed changes for the “regulatory flood protection elevation” as recommended by the Planning Board for several months, and at this time the public hearing open comments from the audience.

Chairman Trent officially opened the public hearing to public comments.

Hearing none, Chairman Trent closed the public hearing and called for a motion of approval.

Commissioner Lee made a **MOTION** to amend Article 2 of the Flood Damage Prevention Ordinance as presented, stating in “Special Flood Hazard Areas” where the Base Flood Elevations (BFE) have been determined, the elevation shall be BFE plus five (5) feet of freeboard.

The following definition of Regulatory Flood Protection Elevation in Article 2 of the Ordinance would be changed to the following:

*“Regulatory Flood Protection Elevations” means the “Base Flood Elevation” plus the “Freeboard.” In “Special Flood Hazard Areas” where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus five (5) feet of freeboard. In “Special Flood Hazard Area” where no BFEs have been established, this elevation shall*

*be at least **five (5) feet** above the highest adjacent grade. Duct Work & non-flood resistant materials are subject to the Regulatory Flood Protection Elevation.*

The Planning Board also recommends that the methods and alternatives presented by Dr. Stan Riggs to lessen flooding in Bertie County be vigorously pursued.

**(2) Public Hearing #2: Tri-County Airport Height Restriction Ordinance**

In May of 2018, the Board of Commissioners received a recommendation by the Planning Board to present this ordinance which was initiated by the Tri-County Airport Authority. The Commissioners held a work session and made several clarifications to ensure that no use of land or water in the coverage area will create bird strike hazards such as by constructing a waterfowl impoundment.

At this time, Chairman Trent opened the public hearing for public comments. Hearing none, Chairman Trent closed the public hearing and called a for motion of approval.

Commissioner Wesson made a **MOTION** to approve the Tri-County Airport Height Restriction Ordinance, and accept the Planning Board's recommendation for the Board of Commissioners to serve as the Zoning Board of Adjustment to review any appeals regarding these regulations. Commissioner Lee **SECONDED** the motion. The **MOTION PASSED** unanimously.

The approved ordinance reads as follows:

**TRI-COUNTY AIRPORT  
HEIGHT RESTRICTION ORDINANCE**



Bertie County  
North Carolina

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

ORDINANCE SECTIONS

- 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
- 1.07 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 TRICOUNTY AIRPORT, BERTIE 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.

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.

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

**COUNTY ZONING BOARD OF ADJUSTMENT:** The Bertie County Board of Commissioners shall serve as the Board of Adjustment.

**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.

**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 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.



Runway End	Inner Width/Length/Outer Width (Slope)
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.

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 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 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.

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

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.

In lieu of this criminal penalty, the responsible person may be subject to a civil penalty pursuant to N.C.G.S. 1530A-123(c) in the amount of \$1,000 per day for each day the violation continues, recoverable by the County Zoning Board of Adjustment through its Administrator in a civil action in the nature of a debt. In addition to all other remedies available either at law or in equity, the County Zoning Board of Adjustment through its Administrator may institute an action in the General Court of Justice seeking enforcement of the ordinance by injunction or order of abatement, or both, pursuant to N.C.G.S. 153A-123(d) and (e).

*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.

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 7<sup>th</sup> day of *January*, 2019.

BERTIE COUNTY



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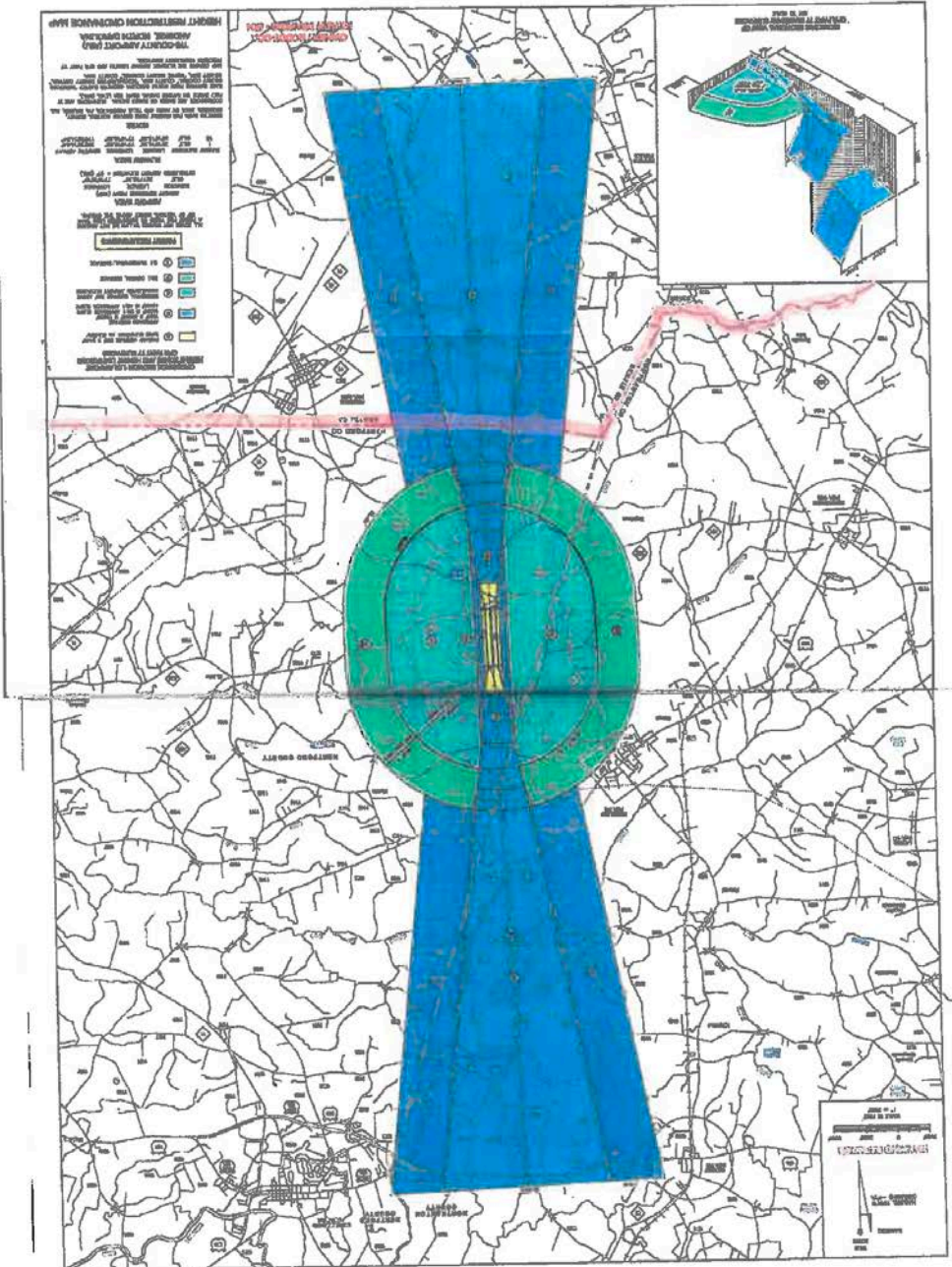
Chairman, Bertie County Board of Commissioners:

ATTEST:

*Sarah Timbham*

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County Clerk to the Board of Commissioners



### **(3) Introduction of Revaluation Team by Tax Administrator, Jodie Rhea**

This item was deferred until February 4, 2019.

### **(4) Brian Harvill, President of Vidant-Bertie and Chowan Hospitals review of proposed changes to the State Employee Health Plan**

Brian Harvill, President of Vidant-Bertie and Chowan Hospitals, briefly discussed the concerns that VIDANT has shared about the proposed changes being considered by the State Treasurer regarding the State Employee Health Plan. Mr. Harvill noted that if the changes were to be put into effect, this would present a \$40 million reduction in reimbursements which could threaten the “sustainability and future” of the hospital system.

Chairman Trent and Commissioner Wesson both encouraged Mr. Harvill to reach out to Bertie’s legislative representatives including Erica Smith, Howard Hunter, Bob Steinburg, and Ed Goodwin. Commissioner Wesson noted that he has invited Mr. Goodwin to present at the Board’s next meeting in February.

Commissioner Bazemore stated that a cut of this size would a “travesty,” and inquired a resolution by this Board could help in any way to ensure these changes are not implemented.

### **(5) Presentation by Anna Phipps of the Roanoke-Chowan News Herald – 2019 Crossroads Magazine**

Anna Phipps of the Roanoke-Chowan News Herald was present to discuss the 2019 Crossroads Magazine.

The County participated in the 2018 Crossroads Magazine.

After some discussion, Commissioner Lee made a **MOTION** to secure the same space (pg. 3) used in 2018 for a County advertisement. Commissioner Bazemore **SECONDED** the motion. The **MOTION PASSED** unanimously.

County staff was directed to work with Ms. Phipps in drafting an ad and submitting it to the Board for comments and approval.



## **BOARD APPOINTMENTS**

### **Nursing Home/Adult Care Home Advisory Council**

Commissioner Wesson made a **MOTION** to appoint Michael Askew and Dr. Susia Smallwood to the Nursing Home/Adult Care Home Advisory Council. Commissioner Lee **SECONDED** the motion. The **MOTION PASSED** unanimously.

### **Planning Board**

Commissioner Lee made a **MOTION** to appoint Jim Wiggins to the Planning Board. Commissioner Wesson **SECONDED** the motion. The **MOTION PASSED** unanimously.

## **CONSENT AGENDA**

1. Minutes for Regular Meeting 12-3-18, Work Session 12-13-18, Closed Session 12-13-18
2. Register of Deeds Fees Report – December 2018
3. Tax Department Release Journal – November 2018
4. Soil & Water documents including MOU with USDA, NC DOA, and Bertie Soil and Water Conservation District
5. Budget Amendment #19-05

Chairman Trent called for the approval of the consent items above.

At this time, Commissioner Wesson called for a **POINT OF ORDER** regarding the minutes from the Regular Meeting held on 12-3-18.

Commissioner Wesson requested clarification from Commissioner Lee and other Board members about the 2018 restructure.

After a brief discussion, Chairman Trent interjected and continued with the meeting per the agenda.

Commissioner Wesson made a **MOTION** to approve the regular minutes from 12-3-18. Commissioner Bazemore **SECONDED** the motion. The **MOTION PASSED** unanimously.

Commissioner Lee made a **MOTION** to approve the work session minutes from 12-13-18. Commissioner Atkins **SECONDED** the motion. The **MOTION PASSED** unanimously.

Commissioner Wesson made a **MOTION** to approve the closed session minutes from 12-13-18. Commissioner Lee **SECONDED** the motion. The **MOTION PASSED** unanimously.

Commissioner Lee made a **MOTION** to approve the Register of Deeds Fees Report for December 2018. Commissioner Bazemore **SECONDED** the motion. The **MOTION PASSED** unanimously.

Commissioner Wesson made a **MOTION** to approve the Tax Release Journal from November 2018. Commissioner Bazemore **SECONDED** the motion. The **MOTION PASSED** unanimously.

Commissioner Wesson made a **MOTION** to approve the Soil & Water documents including MOU with USDA, NC DOA, and Bertie Soil and Water Conservation District. Commissioner Lee **SECONDED** the motion. The **MOTION PASSED** unanimously.

Commissioner Lee made a **MOTION** to approve Budget Amendment #19-05. Commissioner Bazemore **SECONDED** the motion. The **MOTION PASSED** unanimously.

The budget amendment reads as follows:

BUDGET AMENDMENT					
			# 19-05		
INCREASE				INCREASE	
12-0025-4586-18	\$	32,059	DSS	12-5380-5411-50	\$ 32,059
TO INCREASE BUDGET TO MATCH REVISED LIEAP MONEY BY THE STATE					
(LOW-INCOME HOME ENERGY ASSISTANCE)					



**DIVISION OF SOCIAL SERVICES**

**Low-Income Home Energy Assistance (LIEAP)**

**FUNDING SOURCE:** Federal Low Income Home Energy Assistance Funds

**EFFECTIVE DATE:** 12/01/2018

**AUTHORIZATION NUMBER:** 1

**ALLOCATION PERIOD**

**FROM DECEMBER 2018 THRU MAY 2019 SERVICE MONTHS**

**FROM JANUARY 2019 THRU JUNE 2019 PAYMENT MONTHS**

Co. No.	COUNTY	Initial (or Previous) Allocation Funding Authorization		Additional Allocation		Grand Total Allocation	
		Federal	Total	Federal	Total	Federal	Total
01	ALAMANCE	675,849.00	675,849.00	0.00	0.00	675,849.00	675,849.00
02	ALEXANDER	140,461.00	140,461.00	0.00	0.00	140,461.00	140,461.00
03	ALLEGHANY	58,627.00	58,627.00	0.00	0.00	58,627.00	58,627.00
04	ANSON	195,889.00	195,889.00	0.00	0.00	195,889.00	195,889.00
05	ASHE	119,165.00	119,165.00	0.00	0.00	119,165.00	119,165.00
06	AVERY	73,029.00	73,029.00	0.00	0.00	73,029.00	73,029.00
07	BEAUFORT	298,941.00	298,941.00	0.00	0.00	298,941.00	298,941.00
08	BERTIE	164,662.00	164,662.00	0.00	0.00	164,662.00	164,662.00
09	BLADEN	295,779.00	295,779.00	0.00	0.00	295,779.00	295,779.00
10	BRUNSWICK	480,405.00	480,405.00	0.00	0.00	480,405.00	480,405.00
11	BUNCOMBE	950,669.00	950,669.00	0.00	0.00	950,669.00	950,669.00
12	BURKE	435,920.00	435,920.00	0.00	0.00	435,920.00	435,920.00
13	CABARRUS	604,103.00	604,103.00	0.00	0.00	604,103.00	604,103.00
14	CALDWELL	389,749.00	389,749.00	0.00	0.00	389,749.00	389,749.00
15	CAMDEN	25,158.00	25,158.00	0.00	0.00	25,158.00	25,158.00
16	CARTERET	238,040.00	238,040.00	0.00	0.00	238,040.00	238,040.00
17	CASWELL	128,401.00	128,401.00	0.00	0.00	128,401.00	128,401.00
18	CATAWBA	598,814.00	598,814.00	0.00	0.00	598,814.00	598,814.00
19	CHATHAM	206,192.00	206,192.00	0.00	0.00	206,192.00	206,192.00
20	CHEROKEE	137,696.00	137,696.00	0.00	0.00	137,696.00	137,696.00
21	CHOWAN	88,830.00	88,830.00	0.00	0.00	88,830.00	88,830.00
22	CLAY	46,805.00	46,805.00	0.00	0.00	46,805.00	46,805.00
23	CLEVELAND	591,111.00	591,111.00	0.00	0.00	591,111.00	591,111.00
24	COLUMBUS	417,574.00	417,574.00	0.00	0.00	417,574.00	417,574.00
25	CRAVEN	446,686.00	446,686.00	0.00	0.00	446,686.00	446,686.00
26	CUMBERLAND	1,900,282.00	1,900,282.00	0.00	0.00	1,900,282.00	1,900,282.00
27	CURRITUCK	65,580.00	65,580.00	0.00	0.00	65,580.00	65,580.00
28	DARE	100,791.00	100,791.00	0.00	0.00	100,791.00	100,791.00
29	DAVIDSON	708,446.00	708,446.00	0.00	0.00	708,446.00	708,446.00
30	DAVIE	136,831.00	136,831.00	0.00	0.00	136,831.00	136,831.00
31	DUPLIN	363,780.00	363,780.00	0.00	0.00	363,780.00	363,780.00
32	DURHAM	1,259,769.00	1,259,769.00	0.00	0.00	1,259,769.00	1,259,769.00
33	EDGECOMBE	451,306.00	451,306.00	0.00	0.00	451,306.00	451,306.00
34	PORSYTH	1,675,564.00	1,675,564.00	0.00	0.00	1,675,564.00	1,675,564.00
35	FRANKLIN	275,236.00	275,236.00	0.00	0.00	275,236.00	275,236.00
36	GASTON	1,003,487.00	1,003,487.00	0.00	0.00	1,003,487.00	1,003,487.00
37	GATES	56,703.00	56,703.00	0.00	0.00	56,703.00	56,703.00
38	GRAHAM	44,064.00	44,064.00	0.00	0.00	44,064.00	44,064.00
39	GRANVILLE	228,580.00	228,580.00	0.00	0.00	228,580.00	228,580.00
40	GREENE	134,783.00	134,783.00	0.00	0.00	134,783.00	134,783.00
41	GUILFORD	2,554,335.00	2,554,335.00	0.00	0.00	2,554,335.00	2,554,335.00
42	HALIFAX	450,911.00	450,911.00	0.00	0.00	450,911.00	450,911.00
43	HARNETT	600,560.00	600,560.00	0.00	0.00	600,560.00	600,560.00
44	HAYWOOD	273,765.00	273,765.00	0.00	0.00	273,765.00	273,765.00
45	HENDERSON	349,999.00	349,999.00	0.00	0.00	349,999.00	349,999.00
46	HERTFORD	193,441.00	193,441.00	0.00	0.00	193,441.00	193,441.00
47	HOKE	311,671.00	311,671.00	0.00	0.00	311,671.00	311,671.00

## **DISCUSSION AGENDA**

### **Teacher Housing Initiative and next steps following approval of SB804 by the NC General Assembly**

Commissioner Wesson and Economic Development Director, Steve Biggs, briefly reviewed the timeline of events related to the teacher housing initiative that has been in the works for the last year.

Commissioner Wesson reported that the State Employees Credit Union Foundation has approved fifteen (15) year financing at zero percent interest for this project, and that the Windsor Township Development Commission has received a waiver for the first six (6) months of debt service payments once the project is completed.

Commissioner Wesson noted that Senator Erica Smith will file the local bill on January 28<sup>th</sup> and it should be on the floor for a vote on February 4<sup>th</sup>.

There will be 24 apartments with two bedrooms and two bathrooms each, and the construction contract should be ready by the end of January.

Fred Mills Construction of Raleigh, has validated the budget estimates for this project and the plan is to have the apartments ready to open in the spring of 2020.

Commissioner Wesson also noted that the State Employees Credit Union Foundation will not be holding the contract, and this is a change from prior arrangements.

Windsor Township Development Commission will also hold the contract for construction according to Commissioner Wesson.

County Attorney Lloyd Smith clarified that the Windsor Township Development Commission will need to publicly bid this project as required by NC General Statutes, and will likely use a method such as construction manager at risk which was used by the County construct the health department building several years ago.

Commissioner Wesson noted that the schedule will need to be adjusted to include the procurement process.

Mr. Wesson also asked for the Legal Team and County staff to follow the correct procedures and work to ensure this project is ready to move forward once the legislative bill is fully effective.

## Calendar Review

Chairman Trent reviewed the following calendar reminders:

- **January 9th Chair, Vice Chair NCACC training in Raleigh**
- **January 10-11<sup>th</sup> NCACC Legislative Goals Conference in Raleigh. Commissioner Bazemore is voting delegate**
- **January 10<sup>th</sup> 7:00 p.m. Mayors and Commissioners meeting at Heritage House restaurant**
- **January 14<sup>th</sup> 2:00 p.m. Board work session with MHAworks to review final design for Library & Cooperative Extension project, and other items as necessary.**

## COMMISSIONERS' REPORTS

**Chairman Trent** reiterated the \$150,000 grant received by Lewiston-Woodville for community and recreation needs. He also discussed some new programs being offered at Roanoke-Chowan Community College. Lastly, he discussed the The HIVE House and how it was near completion.

**Commissioner Atkins** had no reports at this time.

**Commissioner Wesson** requested clarification from Commissioner Lee about comments made on a Facebook posting. There was a short discussion before items from the agenda were resumed.

**Commissioner Bazemore** discussed recent swearing in ceremonies she had attended, and thanked Commissioner Wesson for addressing “the elephant in the room.”

**Commissioner Lee** also discussed her experience at recent swearing in ceremonies, and encouraged citizens to stay involved with their government even if that means they find themselves wanting to run for office themselves in 2020.

### **JUNIOR COMMISSIONERS' REPORTS**

Najella Williams commended the Board for the teacher housing initiative and that she knew teachers at her school were always looking for housing options in Bertie. She also suggested that the Board consider a periodic meeting to “reset and address altercations.”

Qudre Joyner applauded his counterpart for her comments, and stated that “united we stand, divided we fall,” and that we “cannot push forward while we pull each other backward,” and that any issues that may arise should be addressed privately.

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

The County Manager had no remarks at this time.

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

County Attorney Smith reminded the Board of the need for a Closed Session.

### **PUBLIC COMMENTS**

Monica Lassiter of Lewiston-Woodville expressed her concerns about comments made at tonight's meeting, and encouraged the Board to “unite themselves,” to forgive, and to move forward in order to become “better and stronger.”

## CLOSED SESSION

Commissioner Wesson made a **MOTION** to go into Closed Session under the following statutes:

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)(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.

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

At this time, Commissioner Wesson made a **MOTION** to return to Open Session.

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

Chairman Trent made a **MOTION** to move forward in adopting the documents submitted by the County Attorney including: Memorandum of Action, Notice of Intent of an Action to Condemn, and Notice of Resolution Authorizing Exercise of the Power of Eminent Domain for the 10.35-acre tract which adjoins the County's 137-acre Tall Glass of Water site. Commissioner Wesson **SECONDED** the motion. The **MOTION PASSED** unanimously.

As a point of clarification, Finance Officer Roberson inquired how the Board would like to cover the needed expenses to move forward in the future with this item. The Board came to a consensus to allow the required \$120,000 be transferred from the Capital Outlay line item in the Recreation Department budget to a line item for land acquisition.



**RECESS**

Chairman Trent **RECESSED** the meeting until 2:00 PM on Monday, January 14, 2019 where the Board will hold a work session with MHAworks.

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John Trent, Chairman

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Sarah S. Tinkham, Clerk to the Board