

Windsor, North Carolina
April 1, 2019
REGULAR SESSION

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
Assistant County Attorney Clifton Smith, III
Assistant County Attorney Jonathan Huddleston
Finance Officer William Roberson
Assistant to the County Manager Dominique Walker
Tax Administrator Jodie Rhea
Economic Development Director Steve Biggs
DSS Director Cindy Perry

Junior Commissioners: Qudre Joyner
Najella Williams

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

CALLED TO ORDER

Chair Trent called the meeting to order.

PLEDGE OF ALLEGIANCE/INVOCATION

Commissioner Wesson led the Pledge of Allegiance and gave the Invocation.

PUBLIC COMMENTS

Mike Freeman of Merry Hill represented the ABC Board and invited the Board of Commissioners to an alcohol awareness day on April 29, 2019 at 8:30 a.m. He stated that representatives from the ABC Commission, the NC State Highway Patrol, and the Talk-It-Out Speaker's Bureau would provide additional support and resources for the event.

There were no other public comments at this time.

APPOINTMENTS and REPORTS

(1) Convene as Board of Equalization & Review

Chair Trent called for a **MOTION** to convene as Board of Equalization and Review. Commissioner Wesson made a **MOTION** to convene as Board of Equalization and Review. Commissioner Bazemore **SECONDED** the motion. The **MOTION PASSED** unanimously. Tax Administrator, Jodie Rhea shared that no tax appeals at this time have been filed. Commissioner Lee made a **MOTION** for the Board to adjourn the Board of Equalization and Review. Chairman Trent **SECONDED** the motion. The **MOTION PASSED** unanimously.

(2) CPTA Annual Report by Pamela Perry, Executive Director

Ms. Perry gave a brief presentation on the history of the Chowan Public Transportation Authority (CPTA). The mission of the CPTA is to provide safe, adequate, and convenient transportation to the jurisdictional areas of Bertie, Halifax, Hertford, and Northampton counties. She stated that CPTA is the oldest regional transportation authorities in the state. She provided transportation availability days and times. Ms. Perry gave an overview of the FY18 annual report including reviews of assets, revenue, expenses, service miles, operating costs, cost per maintenance, passenger trips, and services. She also gave an overview of the Board of Directors for the 2017-2018 year. She welcomed Bertie County Emergency Management Services Director Mitch Cooper to the board.

Commissioner Wesson inquired about promoting and increasing passenger trips throughout Bertie County. Ms. Perry shared that there had been a decrease in passenger trips due to

inclement weather. She noted that CPTA promotes their services in newspapers, at community fairs, and other venues. Commissioner Wesson shared that the Board should help promote CPTA's services.

Ms. Perry thanked the Board for its support of the CPTA.

(3) Hurricane Matthew Recovery Update by Chris Hilbert with Holland Consulting Planners

Mr. Hilbert gave an update on the buy-out status of the Hazard Mitigation Grant Program. He shared that more appraisals have been ordered. The first elevation contracts would be out during the first week of May. Mr. Hilbert shared that the consulting group, County Manager Scott Sauer, and Windsor Town Administrator Allen Castelleo met with representatives from the NC Office of Budget and Management (NCOBM) to discuss the Disaster Recovery Assistance program and the Community Development Block Grant-Disaster Recovery program. The goal of the meeting was to identify the eligibility of the units that were a result of the State's intake center operated in Windsor from last summer. Mr. Hilbert noted that some of the units were approved but the overall environmental review process has been delayed at the state level due to Hurricane Florence. The North Carolina Office of Recovery and Resiliency was created by the state after Hurricane Florence. Mr. Hilbert stated that communication with the NCOBM team is still ongoing and that a meeting will be held at his office Friday, April 5, 2019.

Chairman Trent inquired about public satisfaction with the appraisals. Mr. Hilbert stated that there has been no denied offers. Commissioner Wesson shared the positive experiences of some citizens and the appraisal process.

Mr. Hilbert stated that there is some leniency for the application program and that contracts for bids are fixed, in order to prevent cost escalation. He also noted that buy-outs will come quickly and that contract bids are locked-in.

(4) Second Reading – Road Safety and Maintenance Ordinance

Commissioner Bazemore inquired if this would be the second reading or the first reading of the ordinance with the changes. She stated that the Board should vote on the changes made. Attorney Clifton Smith referenced that changes to an ordinance could be made after a public hearing so long as the changes are deemed to be insubstantial. Attorney Smith stated that the changes were made to benefit anyone who would challenge the ordinance and noted that the appeals process added to the ordinance would benefit citizens of the county. He provided clarity on the criminality of the ordinance, citing N.C.G.S. §14-4 but stated that the Board has the power to not make a violation of the ordinance a misdemeanor. Attorney Smith noted that the reading for this meeting includes non-substantial changes to the initial ordinance that was addressed at the public hearing. He provided the next steps for the process of the ordinance and suggested that the ordinance should be read with the added changes.

Commissioner Lee asked Attorney Smith if he felt comfortable with naming the ordinance a “nuisance abetment” ordinance. Attorney Smith referenced N.C.G.S. §153A-340, zoning ordinance power of the County. He stated that it is a safety ordinance that places certain requirements on land and that the Board has zoning authority. He clarified the Board’s enforcement authority of the ordinance. Attorney Smith provided the steps for the Board enforcing the ordinance. Commissioner Lee inquired if N.C.G.S. §14-4 applies to the ordinance. Attorney Smith states that the criminal statute does not apply to the ordinance. He clarified the nature of enforcement regarding lien mechanisms and civil penalties. He noted that money collected by the County should be given to the school board.

Assistant County Attorney Jonathan Huddleston added that the distribution of collected money by the County depends on if it is punitive in nature. Commissioner Lee asked if Attorney Huddleston could explain to the audience about liens on property. Attorney Huddleston explained lien rights.

Commissioner Wesson expressed that it was a good step to discuss the how the ordinance works and expressed that the Board has improved the wording of the ordinance. He shared that EMS and Sheriff staff have a right to decide if a road is impassable and citizens have a right to argue against it. He expressed that the purpose of the ordinance is to help citizens whose safety is at risk and that the right thing to do is to protect citizens and to not lose sight of that.

Commissioner Bazemore added that problem is not whether or not the road needs fixing but that the ordinance is taking the County through unknown and extra steps with unknown variables. She shared that steps taken should include sitting down with landowners to fix the problems. Commissioner Bazemore expressed her opinion that the County cannot afford to fix roads.

Chairman Trent noted that the Superior Court has the final decision during the appeals process. He read the authority and appeals process of the ordinance. He asked if the recovered lien money could be used on the County’s tax card. Attorney Huddleston replied that remedies could be used as if it is taxed.

Commissioner Wesson shared past dialogue with landowners about impassable roads. He stated that the ordinance is for the County to deal with the landowners who do not fix their roads.

Commissioner Wesson made a **MOTION** to introduce the ordinance as it stands with the latest changes. Chairman Trent **SECONDED** the motion. The motion carried – 3 ayes and 2 nays.

Votes were as follows: Ayes: Trent, Atkins, & Wesson
 Nays: Bazemore & Lee

Commissioner Wesson made a **MOTION** to vote to adopt the ordinance. Vice-Chair Atkins **SECONDED** the motion. The motion carried – 3 ayes and 2 nays.

Votes were as follows: Ayes: Trent, Atkins, & Wesson
 Nays: Bazemore & Lee

Attorney Smith reiterated that the vote has to be unanimous in order for the ordinance to be enacted this evening, and that the Board has 100 days to revisit the ordinance in a future meeting. Commissioner Lee explained why she voted no on both motions, stating that there has been no discussion on contracts, specifics related to contracted work, and liens on fixed property. Attorney Smith clarified liens on property. Commissioner Bazemore added that she did not want a lien anywhere and that the County has a lot of activities coming up and that “minding someone’s private property” should not be a focus of the County.

BOARD APPOINTMENTS

Mid-East Regional Housing Authority Board of Commissioners

Commissioner Lee made a **MOTION** to reappoint Vivian Saunders to the Mid-East Regional Housing Authority Board of Commissioners. Chairman Trent **SECONDED** the motion. The **MOTION PASSED** unanimously.

DSS Board

Commissioner Lee made a **MOTION** to reappoint Commissioner Bazemore to the DSS Board. Chairman Trent **SECONDED** the motion. The **MOTION PASSED** unanimously.

CONSENT AGENDA

1. Minutes for Regular Meeting 3-11-19
2. Minutes for Work Session 3-11-19
3. Register of Deeds Report
4. Resolution honoring the 100th birthday of Beulah Bernice Bond McBride

Commissioner Wesson made a **MOTION** to approve items 1 through 3 of the Consent Agenda. Commissioner Lee **SECONDED** the motion. The **MOTION PASSED** unanimously.

Chairman Trent made a **MOTION** to adopt the resolution honoring the 100th birthday of Beulah Bernice Bond McBride. Commissioner Bazemore **SECONDED** the motion. The **MOTION PASSED** unanimously.

DISCUSSION AGENDA

Census 2020 update in follow-up from the recent Mid-East Commission meeting by Assistant to the County Manager, Dominique Walker

Assistant to the County Manager, Dominique Walker provided an update regarding the 2020 census after attending the Mid-East Commission regional meeting on March 21, 2019. She discussed that she has begun the process of assembling the Complete Count Committee and has reached out to the Board for key constituents from their districts who would be interested in serving on the Committee. Ms. Walker noted the importance of having diverse voices on the Committee and shared that Washington D.C. would not be sending additional funds for promotional materials for the upcoming census. She stated that there are other methods of promoting the census in other costly manners and if there is an interest for the County to set aside funds for materials.

Commissioner Wesson inquired about the process of hiring local citizens to participate in administering the census and if there is a specific number of people the Board can hire or recommend. He expressed the importance of having local citizens helping to administer the census in their communities. Ms. Walker stated that interested parties can apply online for paid Census jobs and shared to follow-up with the Commissioners regarding Complete Count Committee recommendations and the hiring process.

DSS Medicaid Transformation by DSS Director, Cindy Perry

DSS Director Cindy Perry presented materials to the Board regarding the NC Medicaid transformation. She informed the Board that the state will change how they manage Medicaid beginning in February 2020. Ms. Perry shared that DSS will only determine eligibility regarding Medicaid and that a private company will select different plans for Medicaid. There will be four different health plans the selected private health providers can choose for clients who only receive Medicaid. She stated that Bertie County is in Region 6 and the new plan will be live in February 2020. Welcome packets will be sent out in September. Ms. Perry noted that eligible clients will have until December 13, 2019 to choose a plan and if no plan is chosen, a plan will be chosen for them. She shared that a meeting will be held with the NC Association of County Commissioners to discuss the transformation on April 10, 2019.

Commissioner Bazemore inquired about the difference between now and 2020. Ms. Perry stated that clients currently have the option to choose their doctor or hospital but after 2020, private health providers will decide client doctors and hospitals.

Commissioner Lee inquired about which plan Vidant Hospital would be a part of. Ms. Perry replied that she does not know which plan Vidant will be a part of. She reiterated that DSS can

only assist clients with the eligibility process and that a call center number will be available in the welcome packet for clients to call.

Commissioner Bazemore expressed her opinion that with rural hospitals vanishing it will be “a mess” and inquired if the transformation was due to Medicaid expansion. Ms. Perry noted that the private health providers would decide the non-emergency transportation service for the county. She also noted the transformation was not due to Medicaid expansion.

Commissioner Wesson inquired about who holds responsibility to educate the public about the differences of the new plans. Ms. Perry stated that it will be the call center’s responsibility. Commissioner Wesson expressed his concern about the public knowing its rights regarding the new transformation. Ms. Perry reiterated that letters will be sent out to clients who will be a part of the plan. She also noted that there will be four additional meetings that DSS directors have to attend regarding the transformation.

COMMISSIONERS’ REPORTS

Commissioner Bazemore shared a report from a Risk & Management Stewardship meeting she attended. Topics included law enforcement grant programs. She stated that she will be attending the Bertie Correctional Institution Volunteer Banquet Ceremony on April 4, 2019. She also shared that she attended the book challenge, a challenge where students from different schools read books and are challenged against each other about the stories. She commended the program and expressed her hope for the County to support the program.

Commissioner Wesson shared that he would also be attending the Volunteer Banquet and on the same day will be attending the State of the East meeting in Greenville, NC. He informed the Board that Governor Roy Cooper submitted his name to be the Bertie County representative on the Martin County Community College Board to replace Nancy Joyner.

Commissioner Lee shared that Powellsville will have a mobile food bank on the third Tuesday of the month and that Linda Peele will be spearheading the food pantry. She shared her experience of having attended the Criminal Justice Summit in Raleigh stating that it was “most-informative” and “organized”. Topics discussed included bail reform, re-entry and collateral consequences, and over-criminalization. She informed the Board about an upcoming trip to Portland, Oregon on April 11-12, 2019 sponsored by NACo. She thanked NACo for sponsoring the trip. Commissioner Lee also added that she attended the Battle of the Books and commended the students in the program.

Commissioner Atkins had no reports at this time.

JUNIOR COMMISSIONERS' REPORTS

Najella Williams informed the Board of Teen Court and that students will compete with other counties. She stated that a goal of the program is to illustrate positive representation of the county.

Qudre Joyner shared that the Good Shepherd Pantry is running out of space for food. He presented some recommendations to address the issue. He asked the Board for assistance in resolving this issue. Commissioner Bazemore shared that she spoke with a representative from Good Shepherd about Board supporting the Pantry's efforts.

COUNTY MANAGER'S REPORTS

The County Manager informed the Board that the Rickey Spivey, Water Department Superintendent, received two additional grants to expand their asset inventory project. He shared that Mr. Spivey has secured \$65,800 for Bertie County Water District II, and \$150,000 for Bertie County Water District III, based on Mr. Spivey's efforts with our consulting engineers.

COUNTY ATTORNEY'S REPORTS

The County Attorney had no remarks at this time.

PUBLIC COMMENTS

Ms. Vivian Clark of Windsor, shared that she spoke with Chairman Trent and Vice-Chairman Atkins about her concerns regarding the ordinance. She asked the Board to revisit the written ordinance. She expressed that the owners of private roads should receive correspondence on the expectations of maintaining roads. She inquired about Board minutes regarding past conversations on the ordinance. She stated there are too many uncertainties regarding the ordinance and asked how often the Board would have to repair impassable roads. She asked if the Board could keep the public informed about the Board's decision moving forward.

Mr. Jerry Cowand expressed his opinion stating that he opposes the ordinance. He shared how he does not see how the changes made in the ordinance benefit owners of private roads. He

expressed that the county should not get into the road fixing business. He strongly feels that the remedy to this issue is in the civil court system. He inquired about a legal aid/pro bono program to assist private road owners and have the county attorneys represent clients. Mr. Cowand also asked if the Board will profit from the ordinance.

Ms. Nancy Lee of Ted Cherry Lane, asked the Board to empathize and sympathize with citizens who are in need. She presented an audio presentation of her neighbor, Ms. McGloan, who asked for the Board's support of fixing the roads. Ms. Lee shared that she was told that the road was to be fixed and that the private road owner visited the area several times but no work has been done.

Another resident of Ted Cherry Lane also asked the Board for their support in fixing the roads.

Mr. Tim Bazemore, Jr. of Cedar Landing Road, stated that he had no issue with fixing the roads but questioned the method of enforcement by the county. He stated that some developments have private lots and asked who will pay for the impassable road. He inquired about who is qualified to deem a road impassable. Mr. Bazemore questioned the motive of Board members regarding the ordinance.

Ms. Annie Wilson shared that she believes that the Board will make the right decision but asked the Board to recognize different circumstances. She shared her experience with her neighbors in fixing their road. She inquired about solutions to fix roads that are under different circumstances. She informed the Board that the Martin County Clerk of Court and Chairman commended the Board's efforts on the renovations to the courthouse and the new security system.

ADJOURN

Chairman Trent **ADJOURNED** the meeting at 7:30 PM.

John Trent, Chairman

Sarah S. Tinkham, Clerk to the Board