

Windsor, North Carolina
October 6, 2014
Regular Meeting

The Bertie County Board of Commissioners met for their regularly scheduled meeting at 10:00AM in the Commissioners Room located at 106 Dundee Street Windsor, NC. The following members were present or absent:

Present: J. Wallace Perry, Chairman
Charles L. Smith, Vice-Chairman
Rick Harrell
John Trent
Ronald "Ron" Wesson

Absent: None

Staff Present: County Manager Scott Sauer
Clerk to the Board Sarah S. Tinkham
County Attorney Lloyd Smith
Network Administrator Joe Wilkes
Finance Director William Roberson
Emergency Services Director Mitch Cooper
Tax Administrator Jodie Rhea
Economic Development Steve Biggs
Register of Deeds Annie Wilson
Information Systems Administrator Scott Pearce
Department of Social Services Director Linda Speller
Veteran Services Representative Milton Parker
Council on Aging Director Venita Thompson
Tax Administrator Jodie Rhea
Register of Deeds Annie Wilson

There were no media members present.

INVOCATION/PLEDGE OF ALLEGIANCE

Vice Chairman Smith gave the Invocation and Pledge of Allegiance.

PUBLIC COMMENTS

Annie Spiller of Windsor approached the Board with concerns about the proposed curbside trash and recycling pick up program. She stated that she felt the program was a “bad idea” because of the size of the trash trucks operating on the same roads as large farming equipment.

Chairman Perry informed Ms. Spiller that a Public Hearing was being held regarding the handling of solid waste and recycling disposal, as well as the potential of a curbside program on Thursday, October 16th, 2014 inside the 2nd floor Courtroom of the Bertie County Courthouse.

Monica Lassiter of Kelford approached the Board to address Mr. Perry’s response to Ms. Spiller stating that the latest County minutes do not mention a hearing about curbside trash pick-up, and that Mr. Perry should not have told Ms. Spiller that the October 16th hearing had anything to do with the proposed curbside pick-up program. She then requested clarification from the Board regarding the purpose of the October 16th Public Hearing to ensure that there was no misunderstanding on her part.

Chairman Perry stated that the County was currently in possession of a proposed renewal contract with Waste Industries that would extend the life of the current convenience sites for the next 5 years, but that he did not feel it was right to deny anyone the opportunity to speak in favor of the alternative option of curbside solid waste and recycling program.

Ms. Lassiter stated that when a Public Hearing’s purpose is advertised, the Board should only allow the public to speak on the advertised topic. She stated that allowing anyone to speak on the proposed curbside solid waste and recycling program would be irrelevant at a hearing that was advertised to be a discussion regarding the contract extension of the current convenience sites.

Commissioner Harrell interjected by stating that, in the past, the proposed curbside solid waste and recycling program, as well as the possible extension of the current convenience sites, were two topics that were typically discussed together.

Commissioner Wesson responded to Ms. Lassiter, and Chairman Perry, stating that to his knowledge, Public Hearings in the County were just as Ms. Lassiter described. Additionally, he stated that previously when anyone who spoke at a Public Hearing about something other than the advertised topic the Board has asked those citizens to hold their comments until a regular Commissioners meeting.

After some additional discussion, Chairman Perry closed the Public Comments section before the scheduled time on the agenda.

Ms. Lassiter noted to the Chairman that the time allotted for Public Comments had not yet expired, and stated that she felt the Public Comments should be allowed to continue until their allotted end time.

Commissioner Harrell made a **MOTION** to close this Public Comments section early. Vice Chairman Smith **SECONDED** the motion. The **MOTION PASSED** unanimously.

APPOINTMENTS

Public Hearing #1 – Road Name Change Application – Spivey Lane

County Manager Sauer prefaced the Board regarding the current standing of a pending Road Name Change Application submitted on behalf of Spivey Lane in Windsor.

Ultimately, County Manager Sauer informed the Board that, upon extensive review, he did not believe that this Road Name Change Application was ready for consideration by the Board. He asked County Attorney, Lloyd Smith, to provide his legal advice regarding this matter.

In response, County Attorney Smith began by stating that the Road Name Change Policy currently in place “pre-dated” him, and that the policy was in serious need of revising. He also stated that according to the policy as it is currently written, the application on file did not satisfy the 80% approval from parcel owners to be considered for approval.

Diane Spivey of Spivey Lane, wife of the late Isiah Spivey, as well as the author of the pending Road Name Change Application, interjected by stating that this application was submitted simply to honor her late husband. She also stated that she had documentation showing that she is the only individual paying taxes on the properties even though there are multiple owners.

Chairman Perry stated that there would be a time for Mrs. Spivey to speak, and asked the County Attorney to finish providing his legal analysis.

Additionally, Mr. Smith advised the Board that the way the policy is currently written arguably favors one tenant in common as a landowner spokesperson, but provides no methodology to make such a decision among owners of fractional or partial interests, or even in the case of tenants by the entirety. He further stated that he believed the policy and equity required each tenant in common owning an interest in a tract of land to have a vote.

Chairman Perry recalled that when this policy was drafted, the preceding Board purposefully made this policy difficult to understand in order to sway citizens from trying to change a road name, and that the policy was only put in place to satisfy needs of Emergency personnel.

In response, Commissioner Wesson asked the Board to consider the precedents that have been set regarding other road name changes, and stated that his own road (Ward Road, formerly known as Speedy Carter Road) had undergone a similar name change in the last few years.

Mr. Wesson continued by saying that the name of his road was changed under the current policy, and that he did not see why the current Board could not use this policy for the pending application. Further, Mr. Wesson argued that the current application had been initiated in the past

few months, under the current Road Name Change Policy, and that the application was completed, and ready for Board action.

County Attorney Smith stated that the Board was free to do what they pleased on this matter, but he highly recommended that the Board consider a major review of the policy. He also stated that he could very easily revise this policy so that it was more comprehensive and concise.

Commissioner Wesson reiterated his belief that the current Road Name Change application should not be denied at this time simply for the County to re-visit the current Road Name Change Policy. He stated that this would not be fair to the author of the application, but that he did agree the policy should be reviewed at a later date once the current application was given a final judgment.

Chairman Perry temporarily ended Board discussion on this matter in favor of opening the Public Hearing to receive citizen feedback. Commissioner Harrell agreed.

Chairman Perry opened the Public Hearing.

Irving T. Spivey, a landowner of one of the affected parcels on Spivey Lane, but who is currently residing in New York, approached the Board with his concerns regarding the name change. Mr. Spivey stated that he did not believe the current application was completed, and that certain names listed within in it were “invalid.” He also expressed his disfavor of the change stating that he did not feel it was right to honor one individual of a family over the family as a whole as the application accomplishes.

Albert Spivey, Sr., another landowner, expressed that he did not have any ill will towards the late Isiah Spivey, but that he was not in agreement with the proposed road name change. He stated that his relatives had lived on Spivey Lane for hundreds of years, and that if the road were to honor only one person, he believed that person should be a family member who served in the military, or someone who actually “did something” for the good of others.

Irving T. Spivey re-approached the Board stating that Diane Spivey’s name was listed twice on the application, and he did not believe her name listed twice was appropriate. He reiterated his belief that the application was not completed correctly under the current policy.

County Attorney Smith interjected, and advised the Board, again, that he felt this Road Name Change Policy was not structured properly from a legal standpoint, and that it was not constitutionally sound to not elicit input from all heirs of each parcel before proceeding.

After some additional discussion, Chairman Perry closed the Public Hearing.

Commissioner Harrell addressed Diane Spivey personally by saying that he was, and still is, a fan of her husband, but because of the valid points of the opposition regarding this application, t he did not support the name change.

Commissioner Harrell made a **MOTION** to reject the Road Name Change application, and stated that he was in favor of the County Attorney drafting a more suitable Road Name Change Policy. Vice Chairman Smith **SECONDED** the motion. The **MOTION PASSED** unanimously.

Public Hearing #2 – Rural Operating Assistance Program (ROAP) application by Venita Thompson

Council on Aging Director Venita Thompson was present for this portion of the meeting, as well as Linda Speller, Director of Bertie County Social Services, and a representative from Choanoke Public Transportation Authority (CPTA).

The Board had received a copy of the completed application for the FY2015 Rural Operating Assistance Program (ROAP) in their agenda packet, which totaled \$104,840.

The Board inquired if there was a cost to the County for this application.

Ms. Thompson assured the Board that there will not be a cost to the County, and that this project is grant funded.

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

Scholarship program for NC Veteran’s offspring informational presentation by Veteran Services Representative, Milton Parker

Veteran Services Representative, Milton Parker, was present to deliver new information regarding a scholarship program for the offspring of NC veterans.

Mr. Parker distributed a flyer, as well as provided the Board additional information regarding the rules of the scholarship.

He also informed the Board that he would be supplying this information to the local newspapers so that more people would be aware of the scholarship’s availability.

Tax Administrator Update on business personal property verification program – County Tax Services, Inc. and Johnny Bailey

Tax Administrator, Jodie Rhea, approached the Board to introduce County Tax Services, Inc. representative Johnny Bailey.

Mr. Bailey updated the Board on the current standing of the current business personal property verification program. In his report, Mr. Bailey stated that since County Tax Services, Inc. was hired by the County in June 2014, it had been in the process of reviewing 57 accounts for the County.

Mr. Bailey stated that verifications and reviews were going well, and that 40 of the 57 accounts had already been verified. The remaining 17 were to be completed in the next few months.

Mr. Bailey also reported that he had just received an additional 27 accounts to be reviewed for the County, and that the process continues to be ongoing.

Republic Services presentation by Matt East, Division Manager, and Josephine Aiken, Municipal Services Manager

Matt East, Division Manager with Republic Services, was present to be visible to the Board, as well as to introduce the new Municipal Services Manager, Josephine Aiken.

Mr. East stated that he was looking to maintain Republic Service's relationship with the County, and requested the opportunity to provide a bid to the County regarding the current convenience sites.

The Board first thanked Republic Services for their dedication to some local causes in the County including the Windsor YMCA, as well as to the County Board of Education.

Commissioner Trent requested that the County Manager compile a Request for Proposals (RFP) for Mr. East, as well as to other refuse companies, to complete.

Commissioner Trent made a **MOTION** to open the RFP process immediately. Commissioner Wesson **SECONDED** the motion. The **MOTION PASSED** unanimously.

BOARD APPOINTMENTS

Planning Board

Upon the receipt of his Board Appointment Application in this meeting's agenda packet, Terry Pratt was present to witness his appointment to the Planning Board.

Commissioner Trent made a **MOTION** to appoint Terry Pratt of the Merry Hill/Whites Township to the Planning Board. Commissioner Wesson **SECONDED** the motion. The **MOTION PASSED** unanimously.

CONSENT AGENDA

Approve minutes for Regular Session 9-8-14

Commissioner Harrell made a **MOTION** to approve the minutes from 9-8-14. Vice Chairman Smith **SECONDED** the motion. The **MOTION PASSED** unanimously.

Approve minutes for Closed Session 9-8-14

Commissioner Harrell made a **MOTION** to approve the Closed Session minutes from 9-8-14. Their release will depend upon whether the release would frustrate the reason for the closed session. If the release would not so frustrate the purpose of the closed session the minutes could be released. Commissioner Wesson **SECONDED** the motion. The **MOTION PASSED** unanimously.

Approve minutes for Regular Session 9-22-14

Commissioner Harrell made a **MOTION** to approve the Regular Session minutes from 9-22-14. Vice Chairman Smith **SECONDED** the motion. The **MOTION PASSED** unanimously.

Approve/accept minutes for Town of Windsor presentation 9-25-14

Minutes for the Town of Windsor Watershed Ordinance presentation on Thursday, September 25, 2014 were presented to the Board.

Per the advice of the County Attorney, the Board did not have a need to approve the minutes.

County Manager Sauer stated that these minutes were simply presented for the record as the Board recessed their meeting on Monday, September 22, 2014 in order to possibly meet with a full quorum on September 25, 2014 at the Town of Windsor.

There was no action needed on this item.

Accept Register of Deeds Fees Report – September 2014

County Manger Sauer recommended this item for approval.

Commissioner Wesson a **MOTION** to accept the Register of Deeds Fees Report for September 2014. Vice Chairman Smith **SECONDED** the motion. The **MOTION PASSED** unanimously.

Approve Tax Department Error Ledger – August 2014

County Manager Sauer recommended this item for approval.

Vice Chairman Smith made a **MOTION** to approve the Tax Department Error Ledger for August 2014. Commissioner Trent **SECONDED** the motion. The **MOTION PASSED** unanimously.

Approve Tax Department Error Ledger – September 2014

County Manager Sauer recommended this item for approval.

Commissioner Wesson made a **MOTION** to approve the Tax Department Error Ledger for September 2014. Vice Chairman **SECONDED** the motion. The **MOTION PASSED** unanimously.

Consider and approve lease with TASC – Coastal Horizons, Inc.

County Manager informed the Board that this lease would be retroactive to July 1, 2014, and that Coastal Horizons, Inc. has been a long time resident inside the DRC Building, but that due to their reduction in square footage, Mr. Sauer also lowered the monthly rent to reflect that loss in footage.

Upon review, Commissioner Wesson made a **MOTION** to approve the lease with TASC-Coastal Horizons, Inc. Commissioner Trent, and Vice Chairman Smith, **SECONDED** the motion. The **MOTION PASSED** unanimously.

Consider and approve Green Engineering evaluation of the Lewiston-Woodville water system

County Manager stated that this item from Green Engineering was to inform the Board of Green's plans to evaluate that Lewiston-Woodville water system, so that the County would have the proper information in order to make a decision on taking over the Lewiston water system.

Commissioner Harrell made a **MOTION** to allow Green Engineering to conduct an evaluation of the Lewiston-Woodville water system as proposed in the amount of \$4,840. Commissioner Trent **SECONDED** the motion. The **MOTION PASSED** unanimously.

DISCUSSION AGENDA

Review Maintenance Department estimates for property clean-up and proposed demolition of former Dr. Jordan's office and former Maintenance Department building

County Manager Sauer provided the Board with bids regarding the remediation and/or the demolition of both the former Dr. Jordan's office, as well as the former Maintenance Department building.

Upon reviewing the quotes, the Board discussed the current buildings, and the option to remediate or to demolish.

After some discussion, in regards to Dr. Jordan's former office, Commissioner Trent made a **MOTION** to demolish the building under the quote conditions submitted by Boyd Copeland Contracting Company, Inc for a price of \$5,000. Commissioner Wesson **SECONDED** the motion. The **MOTION PASSED** unanimously.

Regarding the old Maintenance Department building, Commissioner Harrell made a **MOTION** to demolish the building under the quote conditions submitted by Boyd Copeland Contracting Company, Inc. for a price of \$4,000. Commissioner Trent, and Vice Chairman Smith, **SECONDED** the motion. The **MOTION PASSED** unanimously.

Date for 2014 Employee Appreciation Luncheon

After some discussion, the Board set the 2014 Employee Appreciation Luncheon date for Thursday, December 4th, 2014.

The event will coincide with the Town of Windsor Christmas Parade, and County Offices will be closed at 12:00pm (noon) that day.

Reminder – Mayor and Commissioners Dinner in Roxobel on October 9th

County Manager Sauer reminded the Board that there will be a Mayors and Commissioners Dinner on Thursday, October 9th, in Roxobel, NC.

Chairman Perry stated that he was unable to attend, but encourage all available Commissioners to attend.

COMMISSIONER’S REPORTS

The Commissioners gave no remarks at this time.

COUNTY MANAGER’S REPORTS

County Manager Sauer reminded the Board that the CBDG Infrastructure Grant application prepared by Green Engineering has been submitted to the State, and is currently under review.

Additionally, Mr. Sauer reminded the Board of the Mid-East Commission area meeting on Thursday, October 23, 2014.

Mr. Sauer also asked Economic Development Director, Steve Biggs, to present an update to the Board regarding the success of the County Job Fair that took place on October, 1, 2014.

Mr. Biggs stated that the Job Fair was a success, and that approximately 140 people attended the fair, as well as participated in various job interviews conducted by area employers.

Mr. Biggs assured that Board that he would come forward at a later date to share the amount of individuals hired on the spot at the fair.

He also thanked the Board for allowing him to host the fair.

The Board commended Mr. Biggs for planning such a successful event on such short notice.

COUNTY ATTORNEY'S REPORT

The County Attorney had no remarks at this time.

PUBLIC COMMENTS

Monica Lassiter of Kelford thanked Steve Biggs for his dedication in organizing such a successful job fair back on October 1st.

Venita Thompson also approached the Board to inform all of those present of the various opportunities in the area of the public to receive free flu shots in the coming weeks.

There were no other Public Comments.

CLOSED SESSION

As requested by County Manager Sauer, Commissioner Harrell made a **MOTION** to go into Closed Session 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. Vice Chairman Smith **SECONDED** the motion. The **MOTION PASSED** unanimously.

The Board shifts into Closed Session.

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

ADJOURN

Chairman Perry adjourned the meeting at 11:36am.

J. Wallace Perry, Chairman

Sarah S. Tinkham, Clerk to the Board