

Windsor, North Carolina
November 17, 2014
Regular Meeting

The Bertie County Board of Commissioners met for their regularly scheduled meeting at 7:00PM 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
John Trent
Ronald "Ron" Wesson
Rick Harrell

Absent: None

Staff Present: County Manager Scott Sauer
Clerk to the Board Sarah S. Tinkham
County Attorney Lloyd Smith
Information Systems Administrator Scott Pearce
Network Administrator Joe Wilkes
Finance Director William Roberson
Human Resources Director Carolyn Fornes
Emergency Services Director Mitch Cooper
EMS Division Chief Matt Leicester
NET Coordinator Kim Campbell
Compliance Officer Crystal Freeman
Planning Director Traci White
Department of Social Services Director Linda Speller
Soil and Water Conservation Director Vic Thompson
Cooperative Extension Director Richard Rhodes
Economic Development Director Steve Biggs
Communications Supervisor JW Stalls
Sheriff John Holley
Code Enforcement Official GT Pittman

Gene Motley of the Roanoke-Chowan News Herald, and Thadd White of the Bertie Ledger-Advance were present from the media.

Chairman Perry welcomed all of those present. He stated that this meeting was the last regularly scheduled meeting for himself, Vice Chairman Smith, and Commissioner Rick Harrell. He thanked all of those present for their attendance.

INVOCATION/PLEDGE OF ALLEGIANCE

Commissioner Harrell gave the Invocation and Pledge of Allegiance.

PUBLIC COMMENTS

Mr. Randy Dingle approached the Board with a complaint he wanted the Board to be made aware of as he felt they could be of some assistance.

He described an incident that occurred on October 25, 2014 in which he was prohibited from entering the Bertie County Courthouse for a scheduled court appearance by a Bertie County Sheriff's Deputy. Mr. Dingle stated that he was told to remove his hat by the Deputy, but that he refused to do so as the headwear was a sign of his religious beliefs.

Mr. Dingle claimed that he was not able to enter the Courtroom without removing the headwear, and when he refused, he stated to the Deputy that it was due to his constitutional right of religious freedom.

In summary, Mr. Dingle requested that he receive punitive damages as this incident was a violation against his rights as an American citizen.

The Board stated that this matter was a matter for the court, and that the County had no legal authority to assist. The Board agreed that Mr. Dingle should file a complaint with the court to resolve the matter.

Mr. Dingle stated that he had filed a complaint with the court, but that he was not confident that a desirable outcome would be reached anytime soon.

The Board reiterated that filing a complaint with the court was his best option, and that he should simply wait to see how the court responds.

Additionally, John Tyler, former Bertie County Clerk of Court, stood to offer a special presentation to Chairman J. Wallace Perry, Vice Chairman Charles Smith, and Commissioner Rick Harrell.

Each outgoing Board member received special mention, as well as a commemorative plaque displaying their service years and duties to Bertie County.

Photos were also taken by the media members present.

APPOINTMENTS

Public Hearing – Manufactured Home Park Ordinance – Planning Director, Traci White

Traci White approached the Board to summarize some of the recommended changes that the Board provided at the last meeting, and stated that the changes had been incorporated into the current draft of the ordinance in their electronic agenda packets.

Chairman Perry opened the floor to public comments regarding the ordinance.

Michael Freeman expressed that he felt the proposed ordinance was both land and cost prohibitive. He stated that the ordinance was too strict regarding the road quality requirements.

Commissioner Wesson responded by stating that the proposed ordinance is simply in response to citizen feedback, and that the Planning Board was simply trying to find solutions to problems submitted by the citizens. Mr. Wesson asked Mr. Freeman if he had any suggestions on how to find a more conducive solution to the current problems being faced by citizens and manufactured home owners.

Chairman Perry clarified that this ordinance was designed to be preventive, and that it would not apply to the current manufactured home parks already in existence. The proposed ordinance simply addresses certain issues for the future.

The Board suggested that Mr. Freeman correspond and meet with the Planning Board to discuss his concerns in the coming weeks, and requested that Planning Director, Traci White, continue to work with the Planning Board to tweak the ordinance.

Update and approval of EMS Employee Handbook and 2014 Standard Operating Guidelines

Emergency Services Director, Mitch Cooper, and EMS Division Chief, Matt Leicester, presented that Board with the latest copy of the EMS Employee Handbook and 2014 Standard Operating Guidelines. They stated that all of the recommended changes from the Board were made, and the latest draft is included in their electronic agenda packet.

County Attorney Smith also informed the Board that he had presented an additional amendment to ensure all EMS Personnel would solely rely on the EMS Employee Handbook and 2014 Standard Operating Guidelines in the event of a conflict with the general Bertie County Employee Personnel Policy.

The proposed amendment drafted by the County Attorney reads as follows:

AMENDMENT TO EXISTING BERTIE COUNTY PERSONNEL POLICY

Because of the importance to the welfare and safety of the citizens of Bertie County arising from the services rendered by Emergency Services Personnel of Bertie County, all Emergency Services Personnel employed by Bertie County will be subject to the provisions of the Emergency Personnel Handbook And Standard Operating Guidelines of 2014 adopted by the Bertie County Commissioners on November 17, 2014 and thereafter as amended from time to time. In the event of a conflict between the provisions of this handbook and said Emergency Services Personnel Handbook, the provisions of the Emergency Services Personnel Handbook will control the employment of Bertie County Emergency Services Personnel.

Commissioner Wesson made a **MOTION** to approve the EMS Employee Handbook and 2014 Standard Operating Guidelines in addition to the County Attorney's proposed amendment. Commissioner Trent **SECONDED** the motion. The **MOTION PASSED** unanimously.

Presentation of proposed EMS Junior Cadet program at Bertie High School in conjunction with Roanoke-Chowan Community College

Emergency Services Director, Mitch Cooper, approached the Board with a potential program that would present a partnership with the County, RCCC, and Bertie High School.

The program would allow high school students to participate in EMT courses, and in turn, they would receive on the job experience to boost their resumes, as well as earn school credits.

Mr. Cooper simply requested that the Board give their blessing on this program.

The Board agreed that this program was a very good idea, and that it would give local high school students the opportunity to learn a valuable skill for a lifelong career.

Commissioner Harrell made a **MOTION** for the Emergency Services Department to move forward with this venture in partnership with the other agencies. Vice Chairman Smith **SECONDED** the motion. The **MOTION PASSED** unanimously.

BOARD APPOINTMENTS

There were no Board Appointments.

CONSENT AGENDA

Approve minutes for Regular Session 11-03-14

Commissioner Harrell made a **MOTION** to approve the minutes for Regular Session 11-03-14. Commissioner Wesson **SECONDED** the motion. The **MOTION PASSED** unanimously.

Approve minutes for Closed Session 11-03-14

County Attorney Smith recommended that the Closed Session minutes for 11-03-14 be approved, but kept sealed.

Commissioner Wesson made a **MOTION** to approve and keep the Closed Session minutes from 11-03-14 sealed until a further recommendation is made by the County Attorney. Commissioner Trent and Vice Chairman Smith **SECONDED** the motion. The **MOTION PASSED** unanimously.

Accept Tax Department Error Ledger – October 2014

County Manager Sauer recommended this item for approval.

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

Consider and approve newly revised alligator weed eradication resolution and Budget Amendment

Commissioner Wesson made a **MOTION** to approve the newly revised alligator weed eradication resolution and Budget Amendment with a first, full year obligation of \$12,847. Vice Chairman Smith **SECONDED** the motion. The **MOTION PASSED** unanimously.

The resolution and Budget Amendment read as follows:



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
J. WALLACE PERRY, Chairman
CHARLES L. SMITH, Vice-Chairman
RICK HARRELL
JOHN TRENT
RONALD "RON" WESSON
ADMINISTRATIVE STAFF
SCOTT T. SAUER, County Manager
SARAH S. TINKHAM, Clerk to the Board

BERTIE COUNTY RESOLUTION: AQUATIC WEED CONTROL

WHEREAS, the Bertie County Board of Commissioners desires assistance from the North Carolina Division of Water Resources to address alligator weed control measures to enhance the natural resources of the Cashie River.

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1) The *Bertie County Board of Commissioners* request that the North Carolina Aquatic Weed Control Program conduct the Cashie River Alligator Weed assessment for Bertie County.
- 2) The *Bertie County Board of Commissioners*, with the understanding that multi-year treatment may be needed, assumes full obligation for payment of \$12,846.06, the first year, which is fifty percent of costs of the Bertie County Alligator Weed Project and its associated application of Habitat for chemical control.
- 3) The *Bertie County Board of Commissioners* will assist the North Carolina Department of Environment & Natural Resources (NCDENR) in quantifying this aquatic weed control project.
- 4) The *Bertie County Board of Commissioners* will assure that the public will have access to the waters that are included in this aquatic weed control project.
- 5) The *Bertie County Board of Commissioners* will hold the State harmless from any damages that may result from the implementation of said project.
- 6) The *Bertie County Board of Commissioners* will be responsible for notifying all landowners whose property is adjacent to the body of water in which the project is located and for sponsoring any public information meetings that may be needed.
- 7) The *Bertie County Board of Commissioners* will notify the public of any temporary restrictions on use of the body of water as required by the specific method of treatment used.

Adopted by the *Bertie County Board of Commissioners*

this 17th day of November, 2014.


J. Wallace Perry, Chairman
Bertie County Board of Commissioners


Sarah S. Tinkham, Clerk to the Board

BUDGET AMENDMENT			
		# 15-02	
	INCREASE		INCREASE
10-0090-4991-99	\$ 12,847	10-4960-5400-05	\$ 12,847
TO SETUP BUDGET - AQUATIC WEED CONTROL			
APPROVED 11 / 17 / 2014			

DISCUSSION AGENDA

Bertie High School – review and consider request for final payment to general contractor and architect

County Manager Sauer reported that as part of the project closeout for the new Bertie high School, the Board of Commissioners will need to consider the release of contract retainage funds for three contracts.

Mr. Sauer made a recommendation to release only the technology services contract retainage (\$115,939.27) which is due to the subcontractor, K.H. Smith Communications, Inc.

Mr. Sauer reported that the release of the retainage for the architect (\$40,000) and WIMCO (\$452,887.61) are not recommended until the outstanding issues are resolved to the satisfaction of the Board of Education and the Board of Commissioners.

In recent weeks, he reported that Commissioner Trent had participated in multiple walk thru inspections at the high school noting that he was also accompanied by School Maintenance Director Matthew Bond and our consultant with Palmetto Environmental Solutions. And last week, Chairman Perry and Vice Chairman Smith visited the high school to inspect the project.

After extensive evaluation, it appeared that the condition of the gymnasium floor was worsening, and the buckling of the wood strips was more visibly pronounced than during the initial visit on October 29th.

Mr. Sauer also reported that during a follow-up visit on November 13th, Palmetto Environmental Solutions took humidity readings, and noted that due to conditions recorded, the moisture was most likely coming from beneath the floor. Regardless of what final determination is made regarding the cause of this moisture, the consultant advised that the gymnasium floor condition is unacceptable in its present state.

County Manager Sauer also explained that the group also walked through the hallways, and noted cracks in the tile flooring at various locations, especially where it appears that concrete

pouring was stopped, then resumed at connecting sections without adequate grinding to smooth out the concrete surface. It was also found that in one hallway section near the entrance to the auditorium stage, the buckling of the tile flooring material extended the entire width of the hallway.

In the auditorium lobby, Mr. Sauer stated that the group discovered cracks in the tile flooring that extend in a diagonal direction from two different locations, both of which appear to start at the base of a load bearing column on either side of the exterior doors.

Mr. Sauer also noted that concerns are still present regarding humidity and its impact on the classroom door lamination where saw cuts were made to prevent further sticking problems earlier in the school year.

Present for the discussion were the architect from Hite & Associates, Mr. Jimmy Hite, and WIMCO Senior Project Manager, Mr. Robert Smith.

Mr. Smith stated that his company had followed the design and specifications prepared by the architect for construction of the high school. Mr. Smith also attempted to address the issue of humidity and the modifications to classroom doors.

Commissioner Trent asked several questions about how the doors were manufactured, prepared and installed including whether or not hollow metal frame doors could be “shimmed” as he had been told by WIMCO.

During the discussion regarding the gymnasium floor, the architect, Mr. Hite, admitted that dehumidifier equipment was left out of the original design which was responsible for the high humidity during construction and initial occupancy of the building.

Mr. Hite also stated that he did not believe that these problems were caused by WIMCO, and that the humidity problems were most likely caused by the lack of dehumidifier equipment that was not present during construction, or the initial opening of the building.

Mr. Hite assumed responsibility for the current condition of the gymnasium floor, and assured the Board that he would provide a signed letter to the Board that deems Hite & Associates at fault in this matter. Mr. Hite also apologized for the inconvenience, and he regretted that this problem had not been addressed sooner.

County Attorney Lloyd Smith requested additional clarification from Mr. Hite regarding whom the Board can hold responsible for this issue, and that he had received correspondence from the legal counsel of WIMCO wherein the problem was described as being a “design omission.”

Mr. Hite agreed, and stated that he saw nothing in WIMCO’s construction that could have caused the gymnasium floor to buckle, and that the buckling can be attributed to high humidity that occurred as a result of inadequate dehumidification resulting from his firms’ failure to include dehumidifier equipment in the original design of the gymnasium.

Mr. Hite indicated that his firm has since paid for the correct equipment to be installed, and that he is committed to getting the issues with the humidity and the gymnasium floor correct, and at his expense. Mr. Hite reiterated that he was committed to preparing a letter to be approved by the County Attorney to insure that these issues are addressed to the satisfaction of the Board of Commissioners.

Mr. Smith with WIMCO suggested that based on this discussion that his firm was due payment of the contract retainage.

After additional discussion, it was agreed that WIMCO would need to have the door manufacturer certify that the installation of all fixtures was correct, and that the warranty is still valid. It was also agreed that this discussion would continue, and that the Board would recess tonight's meeting for Monday, November 24, 2014 at 10:00am.

Mr. Smith also indicated that typically, the "11th month inspection" is where concerns are addressed and any corrections are made for construction deficiencies such as those concrete and floor tile concerns reported by the County Manager. Commissioner Trent reiterated the Board's desire to have these issues addressed, corrected and resolved as soon as possible.

Before moving to the next topic, County Manager Sauer requested that the Board consider approval for the release of retainage for the K.H. Smith Communications, Inc. contract.

Commissioner Wesson made a **MOTION** to to release \$115,939.27 in retainage funds to the K.H. Smith Company. Commissioner Trent **SECONDED** the motion. The **MOTION PASSED** unanimously.

Sheriff's Department – Communications Division – review and consider bids for radio system upgrade as budgeted for FY 2014-2015

Communications Supervisor, JW Stalls, approached the Board with a request regarding the replacement of 911 communication systems computer upgrades and radio equipment.

She stated that 3 bids were sought out, but only 2 were responses were received. Ms. Stalls recommended that the County accept the bid from Amerizon Wireless for \$127,088.79 which included the equipment, as well as a five (5) year service contract.

Ms. Stalls also reiterated that these costs were approved during the 2014-2015 FY Budget process.

Mr. Sauer also informed the Board that of the budgeted funds for this project (\$170,000) the computer equipment purchased at a cost of \$27,187.24, and the account will have a remaining unexpended balance of \$15,723.97 following the radio equipment purchase.

The Board inquired about the contents of the service agreement, and requested that more details be received from the company before a decision would be made to sign a service agreement.

Ms. Stalls agreed, but requested that the Board approve her request to allow her the permission needed to order her needed equipment as there is a substantial waiting period for it to arrive. She stated that the current equipment being utilized in the Sheriff's Department is in dire need of replacement.

Commissioner Trent made a **MOTION** to allow Ms. Stalls to purchase and order the equipment as requested not to exceed \$112,191 of the approved budget. Vice Chairman Smith **SECONDED** the motion. The **MOTION PASSED** unanimously.

COMMISSIONER'S REPORTS

Commissioner Wesson informed the Board of a vacancy on the Windsor Township Economic Development Commission Board. He stated that a representative was being sought for the Windsor 2 district position.

Mr. Wesson requested that the Board give him formal permission to seek out recommendations of qualified business owners, Commissioners, or private citizens from the Askewville Town Board to fill the vacancy as soon as possible.

Commissioner Trent made a **MOTION** to grant Commissioners Wesson's request as stated. Vice Chairman Smith **SECONDED** the motion. The **MOTION PASSED** unanimously.

The Commissioners had no further remarks at this time.

COUNTY MANAGER'S REPORTS

The County Manager gave no remarks at this time.

COUNTY ATTORNEY'S REPORT

County Attorney Smith requested a brief Closed Session pursuant to...

PUBLIC COMMENTS

There were no Public Comments during this section.

CLOSED SESSION

By request of County Attorney Smith, Commissioner Trent made a **MOTION** to go into Closed Session pursuant to N.C.G.S. § 143-318.11(a)(3) to consult with the County Attorney in order to preserve the attorney-client privilege that exists between the attorney and this public body, 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., and 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; Vice Chairman Smith **SECONDED** the motion. The **MOTION PASSED** unanimously.

Chairman Perry called for a 3-5 minute break at 8:20pm.

At approximately 8:25pm, The Board shifts into Closed Session.

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

OPEN SESSION

Pursuant to conversation in Closed Session, and after careful examination of the afterhours non-emergency transport call volume, and in an effort to be prudent with the taxpayers' resources, Commissioner Wesson made a **MOTION** that the Board accept management's recommendation to step down, and eliminate night shift operations between now and January 1, 2015; and that this Board authorizes management to respond to afterhours transport requests on an as needed basis, with available resources using 911 EMS units. Vice Chairman Smith **SECONDED** the motion. The **MOTION PASSED** unanimously.

RECESS

Chairman Perry recessed the meeting at 9:18pm. The Board will meet again on Monday, November 24, 2014 at 10:00am inside the first floor Commissioners Room located at 106 Dundee Street, Windsor, NC, 27983.

J. Wallace Perry, Chairman

Sarah S. Tinkham, Clerk to the Board

