

Minutes
Regular Meeting
Hertford County Board of Commissioners
County Commissioners' Meeting Room
Monday, March 19, 2012
7:00 P.M.

Present: Curtis A. Freeman, Sr., William F. Mitchell, Jr., Johnnie R. Farmer, Ronald J. Gatling, and Howard J. Hunter, III

Absent: None

Also Present with the Board: Loria D. Williams, County Manager; Charles L. Revelle, III, County Attorney; John P. Rankins, Assistant County Manager; and Shelia W. Matthews, Clerk to the Board

Chairman Curtis A. Freeman, Sr., called the meeting to order.

The invocation for the meeting was provided by Vice-Chairman William F. Mitchell, Jr.

COMMISSIONERS

On a motion by Gatling and a second by Mitchell, the Board voted unanimously to amend the agenda by adding a request from the Board of Elections after Public Comment Period.

TAX

On a motion by Gatling and a second by Hunter, the Board voted unanimously to approve the Tax Releases for February, 2012, as follows:

TOTAL VALUE APPROVED THIS REPORT (2011 LEVY)	2,470.00
TOTAL TAX RELEASED THIS REPORT (2011 LEVY)	22.83
TOTAL VALUE APPROVED THIS REPORT (PRIOR LEVY)	00.00
TOTAL TAX RELEASED THIS REPORT (PRIOR LEVY)	00.00
TOTAL TAX RELEASED THIS REPORT (W01 COLL/RECYCLE 2011)	57.50
TOTAL TAX RELEASED THIS REPORT (W02 LANDFILL OPERATION 2011)	57.50
TOTAL TAX RELEASED THIS REPORT (W01 COLL/RECYCLE 2010)	00.00
TOTAL TAX RELEASED THIS REPORT (W02 LANDFILL OPERATION 2010)	00.00
TOTAL TAX RELEASED THIS REPORT (W01 COLL/RECYCLE 2009)	00.00
TOTAL TAX RELEASED THIS REPORT (W02 LANDFILL OPERATION 2009)	00.00
TOTAL TAX RELEASED THIS REPORT (W01 COLL/RECYCLE 2008)	00.00
TOTAL TAX RELEASED THIS REPORT (W02 LANDFILL OPERATION 2008)	00.00
TOTAL TAX RELEASED THIS REPORT (W01 COLL/RECYCLE 2007)	00.00
TOTAL TAX RELEASED THIS REPORT (W02 LANDFILL OPERATION 2007)	00.00

TOTAL TAX RELEASED THIS REPORT (W01 COLL/RECYCLE 2006)	00.00
TOTAL TAX RELEASED THIS REPORT (W02 LANDFILL OPERATION 2006)	00.00
TOTAL TAX RELEASED THIS REPORT (W01 COLL/RECYCLE 2005)	00.00
TOTAL TAX RELEASED THIS REPORT (W02 LANDFILL OPERATION 2005)	00.00
TOTAL TAX RELEASED THIS REPORT (W01 COLL/RECYCLE 2004)	00.00
TOTAL TAX RELEASED THIS REPORT (W02 LANDFILL OPERATION 2004)	00.00
TOTAL TAX RELEASED THIS REPORT (W01 COLL/RECYCLE 2003)	00.00
TOTAL TAX RELEASED THIS REPORT (W02 LANDFILL OPERATION 2003)	00.00
TOTAL TAX RELEASED THIS REPORT (W01 COLL/RECYCLE 2002)	00.00
TOTAL TAX RELEASED THIS REPORT (W02 LANDFILL OPERATION 2002)	00.00

PERSONNEL

John P. Rankins, Assistant County Manager/HR Director, introduced the following new employees:

<u>NAME</u>	<u>DEPARTMENT</u>
Aleyshia Stallings	Detention Center
Richard Spivey	Detention Center
Angela Boone	Detention Center
Wendy Burge	Emergency Services
Rose Mizzelle	Emergency Services
Michael Brinkley	Emergency Services
Clara Riddick	Social Services

PERSONNEL/RESOLUTIONS

On a motion by Farmer and a second by Gatling, the Board voted unanimously to approve the following resolution presented to Mrs. Cindy Lassiter, recently retired from Hertford County Department of Social Services:

***RESOLUTION OF APPRECIATION
FOR
CYNTHIA H. LASSITER***

The Hertford County Board of Commissioners adopted the following resolution with regard to the retirement of Cynthia H. Lassiter from the Hertford County Social Services Department.

WHEREAS, *Cynthia H. Lassiter has served in the Hertford County Social Services Department with thirty-one (31) years of service, retiring in the position of Processing Assistant IV; and*

WHEREAS, *during her term of service, the citizens of Hertford County have benefited from her experience, ability and devotion to her work; and*

WHEREAS, *Cynthia H. Lassiter continuously updated her department to better serve the public and all the citizens of Hertford County.*

NOW, THEREFORE, BE IT RESOLVED, by the Hertford County Board of Commissioners:

- 1. That Hertford County has been fortunate to have had the efficient and devoted services of Cynthia H. Lassiter.*
- 2. That this Board of Commissioners hereby expresses its gratitude for her many years of diligent service.*
- 3. That this resolution be entered upon the minutes of this Board and a copy thereof presented to Cynthia H. Lassiter.*

This the 19th day of March, 2012.

BUDGET AMENDMENTS

On a motion by Gatling and a second by Mitchell, the Board voted unanimously to approve the following Amendment No. 10 to the FY 2011-2012 Hertford County Budget Ordinance as presented by Robbin Stephenson, Finance Director:

**AMENDMENT TO THE HERTFORD COUNTY BUDGET ORDINANCE
2011/2012
(Amendment No. 10)**

Section 1 of the Hertford County Budget Ordinance, pertaining to the General Fund operations of the County, shall be amended as follows:

Increase (Decrease) Appropriations:

General Funds

Refunds – Paid on Ad Valorem	\$ 15,000
Tax Collector – Professional Services	\$ 15,000
Public Buildings	\$ 5,483
Contingency	\$ (20,483)

Public Safety

Inspections – CAMA	\$ 200
Emergency Management – State Grant	\$ 25,366
Emergency Management – State Grant HMEP	\$ 10,000

Economic and Physical Development

Cooperative Extension – ECBH Pasta Program	\$ 7,000
Earmarked – Ag Extension	\$ 4,227
Earmarked – 4-H Trust	\$ (8,816)

Human Services

DJJDP – MOU Grant Forum	\$ 2,000
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DJJDP – JCPC Certification	\$ (2,273)
Department of Social Services – LIEAP	\$ 19,000
Department of Social Services – Crisis Intervention Program	\$ 85,315
Department of Social Services – TANF Job Boost II	\$ (224,640)

Cultural and Recreational

Contri. To Municipal Parks and Rec. \$ 100,613

Operating Transfer to Fund 40 \$ 12,052

Total \$ 45,044

Section 2 of the Hertford County Budget Ordinance, pertaining to the General Fund operations of the County, shall be amended as follows:

Increase (Decrease) Revenues:

Restricted Intergovernmental	
State Grant – Emergency Management	\$ 25,366
State Grant – HMEP	\$ 10,000
State Grant – MOU Administration	\$ 2,000
State Grant – Gang Prevention	\$ 39,937
State Grant – DJJDP	\$ (42,210)
State Grant – ECBH Pasta Prog	\$ 7,000
State Grant – 4-H Trust	\$ (2,500)
Restricted Intergovernmental – DSS Administration	\$ 104,315
Restricted Intergovernmental – DSS TANF	\$ (224,640)
Permits and Fees	\$ 200
Fund Balance Appropriated	\$ 125,576
Total	\$ 45,044

This amendment:

- To set up CAMA on the revenue side of the books
Source of Funding: State Funds
- EM Grant funds to establish a Comprehensive EM Program and prepare an Emergency Responder Program for Hazardous Waste; LEPC Requirement
Source of Funding: Federal Funds
- MOU Grant used to set up a forum for improving outcome of youth
Source of Funding: State Funds
- DJJDP Grant correction of inallocatd funds in budget
Source of Funding: State Funds
- DSS funding authorization for CIP, TANF, and LIEAP

Source of Funding: Federal Funds

- Appropriate funds to Town of Murfreesboro and Amanda S. Cherry for Rec Equipment

Source of Funding: Fund Balance

- Grant funds from ECBG awarded to Ag Extension for parenting skills and correct carry forward of 4-H Trust and Ag Extension funds

Source of Funding: State Funds and Fund Balance

- Matching funds for Metal Tech and Enviva Infrastructure Projects

Source of Funding: Fund Balance

On a motion by Hunter and a second by Gatling, the Board voted unanimously to approve the following Budget Amendment #1 to the FY 2011-2012 Hertford County Capital Project Fund as presented by Robbin Stephenson, Finance Director:

**AMENDMENT TO THE HERTFORD COUNTY CAPITAL PROJECT FUND
2011/2012
(Amendment No. 1)**

Section 1 of the Capital Project Fund, pertaining to the infrastructure projects of Economic Development projects, shall be amended as follows:

Increase (Decrease) Appropriations:

EDC Infrastructure Projects

Contracted Services – Metal Tech	\$ 105,000
Contracted Services – Enviva	\$ 148,101

Total **\$ 253,101**

Section 2 of the Capital Project Fund, pertaining to the infrastructure projects of Economic Development projects, shall be amended as follows:

Increase (Decrease) Revenues:

EDC Infrastructure Projects

NC Rural Center	\$ 241,049
Operating Transfer from Fund 10	\$ 12,052

Total **\$ 253,101**

This amendment:

- Funds received from the Rural Center for infrastructure for Metal Tech and Enviva

Source of Funding: State Funds

The Finance Director asked the Board for permission to close out two grants (one for Sheriff's Department and one for EMS). On a motion by Gatling and a second by Hunter, the Board voted unanimously to allow the Finance Director to close out the two grants requested.

LEGISLATURE

Representative Annie W. Mobley made some remarks to the Board and offered her assistance in any way needed.

PUBLIC COMMENT PERIOD

No one requested to speak during Public Comment Period.

ELECTIONS/BUDGET AMENDMENTS

Ms. Addie Holloman, Elections Board Member, was present to request the Board for additional funding in order to open additional sites for early voting. The breakdown for the \$15,580 request is as follows:

Part-Time Salaries	\$10,130
Advertising	\$1,200
Telephone	\$1,500
Ballots/Supplies	<u>\$2,750</u>
	\$15,580

These monies will provide early voting sites at the Elections Office (Winton), Ahoskie Nutrition Center (Ahoskie), and the Murfree Center (Murfreesboro).

On a motion by Gatling and a second by Mitchell, the Board voted unanimously to approve the additional funding in the amount of \$15,580 to provide additional sites for early voting and to take the money from Contingency.

TAX

On a motion by Hunter and a second by Gatling, the Board voted unanimously to approve a tax refund in the amount of \$123.40 due to the double listing of a mobile home as presented by Gay Sumner, Tax Collector to:

Jenny Barnes
801 Stanley Barnes Road
Pendleton, NC 27862

BUILDING INSPECTIONS/ORDINANCES

Paul Vaughan, Code Enforcement Officer, made the Board aware of the recent changes in Building Codes. The enforcement date for the 2012 NC Residential Code and 2012 Energy Conservation Code was March 1, 2012, although the publisher will not have the new codes in print until later. Commissioner Farmer questioned delaying

adoption until we have a printed copy and not just an electronic copy. The new codes are in effect and have to be adopted.

On a motion by Hunter and a second by Farmer, the Board voted unanimously to approve the following Ordinance Establishing the Adoption, Administration, and Enforcement of the North Carolina Building Codes for Hertford County:

AN ORDINANCE ESTABLISHING THE ADOPTION, ADMINISTRATION, AND
ENFORCEMENT OF THE NORTH CAROLINA BUILDING CODES FOR HERTFORD
COUNTY

Be it ordained by Commissioners of Hertford County, by authority of the North Carolina General Statutes 153A-351, 153A-352, and 153A-354, that on and after March 1, 2012 this Ordinance as set forth herein shall be in full force and effect according to the authority granted under North Carolina General Statutes aforementioned, within the incorporated city limits and it's extra territorial jurisdiction, which adopts this Ordinance pursuant to the authority granted under North Carolina General Statutes 153A-351. This ordinance hereby amends and/or supersedes any previous Hertford County Ordinance that is in conflict with this ordinance.

Section 001. **Purpose**

The purpose of the North Carolina Building Code is to provide certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished and to regulate the equipment, maintenance, use occupancy of all buildings and/or structures. All regulations contained in the North Carolina State Building Code shall have a reasonable and substantial connection with the public health, safety, morals, or general welfare, and their provisions shall be construed liberally to those ends. (Authority: G.S. 143-138(b), (c).)

Section 002. Applicability of Technical Codes: Exceptions. *In accordance with General Statute 143-138(b), this code shall not apply to the following:*

No permit shall be issued and no fees charged for buildings owned by the United States Government. (Counties have no authority on lands and in buildings owned by the U.S. Government.) No Permit shall be issued and no fee charged for buildings owned by the State of North Carolina. (Authority: G.S. 143-135)

No permit shall be issued and no fees charged for farm buildings outside the incorporated limits of any municipality.

No permit shall be issued and no fees charged for the design, construction, location, installation, or operation of equipment for storing, handling, transporting and utilizing liquefied petroleum gases for fuel purposes or anhydrous ammonia or other liquid fertilizer.

No permits shall be issued and no fees charged for the design, construction, location, installation, or operation of equipment or facilities, other than buildings, of a public utility, as defined in G.S.62-3, or an electric or telephone Membership Corporation, including without limitation, poles, towers, and other structures supporting electric or communication lines.

When inspections are desired and requested by one of the above mentioned exempt agencies, the appropriate fee shall be paid as usual.

Plans and specifications shall be reviewed, permits shall be issued and all necessary inspections performed on all buildings owned by Hertford County.

Section 003. Severability

Should any section or provision of this Ordinance be declared null and void by the courts, such decisions shall not affect the validity of the Ordinance as a whole, or any independent part thereof.

Section 004. Residential Building Code

The 2012 edition of the North Carolina residential Building Code as adopted by the North Carolina Building Code Council and it's Appendixes' is hereby adopted by reference as fully as though set forth herein as the Building Code of Hertford County, to the extent such code is applicable for safe and stable design, method of construction, minimum standards, and uses of materials in buildings or structures hereafter erected, enlarged, altered, repaired, or otherwise constructed or reconstructed.

Section 005 Energy Conservation Code

The 2012 edition of the North Carolina Energy Code as adopted by the North Carolina Building Code Council and it's Appendixes' is hereby adopted by reference as fully as though as set forth herein as the Building

Code of Hertford County, to the extent such code is applicable for safe and stable design, method of construction, minimum standards, and uses of materials in buildings or structures hereafter erected, enlarged, altered, repaired, or otherwise constructed or reconstructed.

Section 015. Amendments to Codes

Amendments to the regulatory codes adopted by reference herein, which are from time to time adopted and published by the agencies or organizations referred to herein shall be effective in Hertford County at the time such amendments are approved and filed with the Hertford County Building Inspector.

ENACTED THIS THE 19TH DAY OF MARCH, 2012.

ABC BOARD

On a motion by Farmer and a second by Gatling, the Board voted unanimously to table the matter of appointing a Chairperson of the Hertford County ABC Board.

COUNTY PROPERTY/TAX FORECLOSURES

On a motion by Hunter and a second by Gatling, the Board voted unanimously to accept a \$3,800 bid offer made by Kima Beale on the Newtec Company tax foreclosure property (PIN #5993-61-1310). The County Attorney was authorized to advertise for upset bid.

COUNTY PROPERTY/N.C.D.O.T.

On a motion by Hunter and a second by Mitchell, the Board voted unanimously to convey County property to the North Carolina Department of Transportation (N.C.D.O.T.) for the Highway 158 widening project in the amount of \$12,700. The description of land is as follows: Subject property described in Deed Books 406 page 370 Hertford County Registry, contains approximately 0.920 acres of which 0.800 acres is being acquired as right of way, leaving 0.120 acres remaining on the right with access to US 158; also being acquired is a permanent utility easement containing 0.120 acres.

On a motion by Hunter and a second by Mitchell, the Board voted unanimously to recess Regular Session and go into a meeting of the Tunis Sewer District Board of Directors.

TUNIS SEWER DISTRICT BOARD OF DIRECTORS

On a motion by Hunter and a second by Mitchell, the Board voted unanimously to approve the Plans and Specifications for the Community of Tunis Sanitary Sewer District System Improvements.

On a motion by Gatling and a second by Farmer, the Board voted unanimously to waive either the sign-up fee or cost for connection to the system in exchange for easements across subject properties.

On a motion by Hunter and a second by Mitchell, the Board voted unanimously to leave the meeting of the Tunis Sewer District Board of Directors and return to Regular Session.

REGULAR SESSION

COURTHOUSE

After an environmental assessment, the Riversedge property had been given a clean bill of health by the Army Corps of Engineers and CAMA. The Board needs to decide exactly where the 25 acres will be located within the site. Commissioners Freeman and Mitchell were assigned the task of meeting with the owners to discuss this.

COMMISSIONERS' COMMENTS

- Commissioner Farmer discussed a handout from Tri-County Airport and the number of businesses that use the facility.

On a motion by Gatling and a second by Hunter, the Board voted unanimously to recess Regular Session to go into a scheduled Closed Session as allowed under G. S. 143-318.11 (a) (3) to consult with the County Attorney and (6) to discuss personnel matters.

CLOSED SESSION

Minutes of Closed Session are on file in the office of the Clerk to the Board.

REGULAR SESSION

TAX

Hertford County's foreclosure attorney filed judgment against R & D Profile Laminators, Inc. on October 18, 2011, for unpaid taxes, costs, and fees. Mr. Glen Lassiter paid the past due property taxes on behalf of R & D Profile Laminators, Inc. on October 24, 2011. However, the fees and costs were not paid due to an account coding error. The Tax Collector's Office certified R & D Profile Laminators, Inc.'s deed to Fabco Resources, LLC, (Mr. Glen Lassiter) that no delinquent ad valorem real estate taxes were a lien on parcel 5982-34-3586 and recorded at the Hertford County Register of Deeds. The amount due for costs and fees \$1,410 must be paid prior to dismissal of this lawsuit.

On a motion by Hunter and a second by Gatling, the Board voted unanimously to release the \$1,410 in costs and fees on parcel 5982-34-3586 (R & D Profile Laminators, Inc.). Commissioner Farmer abstained from voting due to a family member being involved in the transaction.

DAY REPORTING

On a motion by Farmer and a second by Hunter, the Board voted unanimously to not submit a bid for the Day Reporting Center Program for the next fiscal year. Commissioner Mitchell abstained from voting due to his being on the Day Reporting Center Board.

On a motion by Hunter and a second by Gatling, the Board voted unanimously to adjourn the meeting.

Shelia W. Matthews
Clerk to the Board

Curtis A. Freeman, Sr., Chairman
Hertford County Commissioners