

Minutes
Regular Meeting
Hertford County Board of Commissioners
County Commissioners' Meeting Room
Monday, December 17, 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; 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 Chairman Curtis A. Freeman, Sr., with recognition of the recent tragedy at Sandy Hook Elementary School in Newtown, Connecticut.

On a motion by Hunter and a second by Mitchell, the Board voted unanimously to pause for a moment of silence for the victims' families who lost their loved ones in the tragic elementary school shooting in Connecticut and the recent passing of Senator Ed Jones.

TAX

On a motion by Hunter and a second by Mitchell, the Board voted unanimously to approve the following Tax Releases for the month of November, 2012:

TOTAL VALUE APPROVED THIS REPORT (2012 LEVY)	00.00
TOTAL TAX RELEASED THIS REPORT (2012 LEVY)	00.00
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 2012)	375.00
TOTAL TAX RELEASED THIS REPORT (W02 LANDFILL OPERATION 2012)	375.00
TOTAL TAX RELEASED THIS REPORT (W01 COLL/RECYCLE 2011)	00.00
TOTAL TAX RELEASED THIS REPORT (W02 LANDFILL OPERATION 2011)	00.00
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

COURTHOUSE

The Board postponed Memo #7684 (Approval of Judicial Center/County Government Center Project Documents) until a representative from Davenport & Company arrives.

TAX

On a motion by Mitchell and a second by Hunter, the Board voted unanimously to approve the Landfill Fee Refund Request totaling \$125 as follows:

REB Farms, Inc.
c/o Robert Earl Brinkley, President/Agent
Post Office Box 1174
Ahoskie, NC 27910

The refund was requested due to the fact that the payment was made prior to approval of release from Hertford County Public Works for Louise W. Adams and others, tax bill number 12A5975914692.

COURTHOUSE

Mr. Ted Cole with Davenport & Company reviewed the process of going to the Public Bond Market since the County did not receive any financial proposals from the banks for the Courthouse/Administration Building Project. There would be a Working Group including Bond Counsel, Financial Advisor, Underwriter, Underwriter's Counsel, and Bond Trustee.

Mr. Cole explained the rates are better through the Public Bond Market than with bank financing. Although this would involve additional cost, the savings from the better interest rates over time would pay for the additional cost.

On a motion by Mitchell and a second by Hunter, the Board voted unanimously to approve the Financial Advisory Services Agreement with Davenport & Company, LLC.

On a motion by Hunter and a second by Gatling, the Board voted unanimously to approve the Managing Underwriter Agreement with Robert W. Baird & Co. Inc.

On a motion by Hunter and a second by Farmer, the Board voted unanimously to approve Hunton & Williams, LLP, as the Underwriter's Counsel.

On a motion by Farmer and a second by Gatling, the Board voted unanimously to approve McGuireWoods as Bond Counsel.

On a motion by Hunter and a second by Mitchell, the Board voted unanimously to schedule a Public Hearing for 9:15 A.M. on January 7, 2013, on the execution and delivery of an installment financing contract with a third party.

TAX

On a motion by Hunter and a second by Mitchell, the Board voted unanimously to approve the Landfill Fee Refund Request totaling \$125 as follows:

REB Farms, Inc.
c/o Robert Earl Brinkley, President/Agent
Post Office Box 1174
Ahoskie, NC 27910

The refund was requested due to the fact that the payment was made prior to approval of release from Hertford County Public Works for M. F. Johnson Properties, tax bill number 12A5992944777.

BUDGET AMENDMENTS

On a motion by Gatling and a second by Mitchell, the Board voted unanimously to approve the following Amendment No. 2 to the FY 2012-2013 Hertford County Solid Waste Enterprise Fund as presented by Robbin Stephenson, Finance Director:

**AMENDMENT TO THE HERTFORD COUNTY
SOLID WASTE ENTERPRISE FUND
2012/2013
(Amendment No. 2)**

Section 4 of the Hertford County Budget Ordinance, pertaining to the Solid Waste Enterprise Fund for the operation of the County's comprehensive solid waste program shall be amended as follows:

Increase (Decrease) Appropriations:

Capital Outlay – Equipment	\$215,730
Old Landfill – Repairs/Maintenance	10,000
Contracted Services	2,000
Total	\$227,730

Section 5 of the Hertford County Budget Ordinance, pertaining to the Solid Waste Enterprise fund for the operation of the County's comprehensive solid waste program shall be amended as follows:

Increase (Decrease) Revenues:

Fund Balance Appropriated	\$227,730
Total	\$227,730

This amendment:

- Reserve funds from Solid Waste fund balance for much needed repairs and to be in compliance with NCDENR requirements.
Source of funding: Solid Waste Fund Balance

AGING

On a motion by Hunter and a second by Mitchell, the Board voted unanimously to approve advertising the Hertford County Allocation of Phase 30 Funding of the Emergency Food and Shelter Program as presented by Linda Blackburn, Office of Aging Director. The total award amount is \$10,857.

SOLID WASTE

Charles L. Revelle, III, Hertford County Attorney, reviewed the requirements for waiving a formal bidding process for equipment over \$90,000. For items under State contract, under G. S. 143-129(g), the Board can waive formal bidding requirements of G. S. 143-129(b), but they must do the following:

- (1) Be provided by the vendor information showing that they went through the State formal bidding process within the last 12 months
- (2) The vendor is furnishing at same or better price as State
- (3) County Commissioners pass a motion to waive the formal bid procedure, but the motion is made at a regular meeting after 10 days publication of Notice that waiver will be considered. Can approve publication solely by electronic means if done so at the next meeting.

On a motion by Gatling and a second by Hunter, the Board voted unanimously to publish a Notice of Intent to Waive the Formal Bidding Process for a Landfill Loader.

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

GOVERNING BOARD OF THE TUNIS SEWER DISTRICT

On a motion by Farmer and a second by Hunter, the Board voted unanimously to approve the following Amendment to the Tunis Sewer District Centralized Wastewater Collection System Project Capital Project Ordinance as presented by Loria D. Williams, County Manager:

**AMENDMENT TO
CAPITAL PROJECT ORDINANCE
TUNIS SEWER DISTRICT**

CENTRALIZED WASTEWATER COLLECTION SYSTEM PROJECT

Be it ordained by the Hertford County Board of Commissioners that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following Capital Project Ordinance is hereby adopted:

Section 1. The project authorized is the Tunis Sewer District Centralized Wastewater Collection System Project.

Section 2. The officers of this unit are hereby directed to proceed with the project within the terms of the above statute and the budget contained within.

Section 3. The following revenues are anticipated to be available to complete the project:

Bond Anticipation Notes	\$ 307,000
NC Rural Center Grant	500,000
RD Grant	1,255,000
Additional USDA Grant Funds (Requested)	73,937
User Tap Fees	<u>4,600</u>

Total Revenues **\$2,140,537**

Section 4. The following amounts are appropriated for the project:

Contingencies	\$ 83,022
Technical Services	243,326
Owner/Administrative Expense	132,750
Future Contracts (development)	1,660,439
Capitalized Interest	21,000

Total Appropriations **\$2,140,536**

Section 5. The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient detailed accounting records required by federal and state regulations.

Section 6. Funds may be advanced from the General Fund for the purpose of making payments as due.

Section 7. The Finance Officer is directed to report monthly to the Board of Commissioners on the financial status of each project element in Section 4.

Section 8. Copies of the project ordinance shall be entered into the minutes of the governing board and filed with the Finance Officer.

Adopted this 17th day of December 2012.

On a motion by Hunter and a second by Farmer, the Board voted unanimously to award construction contract contingent upon USDA/LGC approval to Sunland Builders, Inc., the lowest bidder, in the amount of \$1,660,438.56.

On a motion by Hunter and a second by Mitchell, the Board voted unanimously to authorize the County Manager to execute documents.

On a motion by Hunter and a second by Mitchell, the Board voted unanimously to return to Regular Session.

REGULAR SESSION

PIEDMONT NATURAL GAS

On a motion by Hunter and a second by Farmer, the Board voted unanimously to approve the grant of temporary construction easement to Piedmont Natural Gas Company, Inc. for the US Highway 13 Widening Project.

N.C.D.O.T.

On a motion by Mitchell and a second by Hunter, the Board voted unanimously to convey easements to N. C. D. O. T. for the Highway 158 Widening Project. This property is located at the site of the new Courthouse and Administration Building and includes two permanent utility easements and two temporary drainage easements, as described by documents dated July 7, 2012.

CDBG

On a motion by Gatling and a second by Mitchell, the Board voted unanimously to approve the Modification Agreement – Amendment to Note and Deed of Trust for a CDBG Program Participant, Ida Mae Worthington, as presented by Charles L. Revelle, III, Hertford County Attorney.

PUBLIC COMMENT PERIOD

There was no one wishing to speak during Public Comment Period.

COUNTY MANAGER'S UPDATE

The County Manager did not have any items to discuss during her update.

COMMISSIONERS' COMMENTS

- Vice-Chairman Mitchell and Commissioner Hunter thanked the County Manager and the County Attorney for all the hard work that went into the documents presented tonight for the Courthouse Project and the Tunis Sewer Project.
- Commissioner Gatling wished everyone "Happy Holidays".
- Commissioner Hunter shared that the Legislative Goals Committee was working hard

- Commissioner Farmer was saddened by the loss of Senator Ed Jones. He also expressed his appreciation of his positive working relationship with the other County Commissioners and wished everyone “Merry Christmas”.
- Chairman Freeman echoed Commissioner Farmer’s comments. He shared his appreciation of the excellent explanation given earlier in the meeting by Mr. Ted Cole regarding the Public Bond Market. Chairman Freeman also wanted to make everyone aware that the County’s Code Enforcement Officer does have a Level III Inspector credentials and will be able to inspect our upcoming construction projects.

On a motion by Hunter and a second by Farmer, 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

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