

Minutes  
Regular Meeting  
Hertford County Board of Commissioners  
County Commissioners' Meeting Room  
Monday, September 16, 2013  
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 Commissioner Johnnie R. Farmer.

**TAX**

On a motion by Gatling and a second by Hunter, the Board voted unanimously to approve the following Tax Releases for the month of August, 2013:

TOTAL VALUE APPROVED THIS REPORT (2013 LEVY)	2,779,336.00
TOTAL TAX RELEASED THIS REPORT (2013 LEVY)	43,334.02
TOTAL VALUE APPROVED THIS REPORT (PRIOR LEVY)	2,690.00
TOTAL TAX RELEASED THIS REPORT (PRIOR LEVY)	31,107.14
TOTAL TAX RELEASED THIS REPORT (W01 COLL/RECYCLE 2012)	910.00
TOTAL TAX RELEASED THIS REPORT (W02 LANDFILL OPERATION 2012)	910.00
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
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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

**MURFREESBORO WATER**

Ms. Diane Smith, concerned citizen, was present to discuss the Town of Murfreesboro's water rates. She was speaking on behalf of the residents of Carver Park. The Carver Park subdivision falls within the ETJ of the Town of Murfreesboro. The residents in the ETJ pay more for their water than the town residents (\$112 vs. \$73/month) due to the fact that they do not pay town taxes. Since this matter has been looked into, the water rates have been reduced 25% on August 1, 2013. She has been to the Town of Murfreesboro with this concern and was directed to bring it to the County Commissioners since "they have more power and can supersede the Town".

Mr. Brandon Holland, Murfreesboro Town Administrator, was in the audience and shared that some previous conversations had been held with different Administration and a different Board that may have caused some misunderstandings.

County Attorney Charles L. Revelle, III, explained that many towns provide services such as water and sewer in their ETJ. The citizens were urged to weigh out the difference in paying town taxes or higher water bills and possibly requesting an annexation if that is the cheaper way to proceed. The citizens were also advised that the County had absolutely no jurisdiction or ability to direct the Town Board in this matter.

Discussion was held on fire protection/EMS/police protection. Also, citizens Harvey Stephenson and Ronald Deloatch spoke regarding this matter.

**N.C.D.O.T.**

Ivory and Connie Jackson, concerned citizens, were present to discuss some issues with the Board. The first issue was regarding ditch cleaning. They reside at 543 NC 561-West, Aulander. They were requesting assistance with mowing and cleaning the ditches. It has been years since the ditches have been cleaned out. They have contacted N.C.D.O.T. themselves and still have not received any assistance. The Administrative staff was directed to contact N.C.D.O.T. personnel regarding this matter.

The Jacksons also spoke about all the extra charges on the CenturyLink bills and had been mistakenly informed to bring their concern to this Board. The County Manager explained that the E-911 charge of 70 cents is the only charge on the telephone bills that the County has any control over.

At this time, on a motion by Gatling and a second by Hunter, the Board voted unanimously to amend the agenda to include the Rural Operating Assistance Program (ROAP) Public Hearing that had been inadvertently omitted from the agenda.

**PUBLIC HEARING/AGING**

On a motion by Hunter and a second by Gatling, the Board voted unanimously to recess Regular Session to go into a scheduled Public Hearing per the following advertisement:

**PUBLIC HEARING NOTICE**

This is to inform the public of the opportunity to attend a public hearing on the proposed Rural Operating Assistance Program (ROAP) application to be submitted to the North Carolina Department of Transportation no later than September 17, 2013, by the County of Hertford. The public hearing will be held on September 16, 2013, at 7:30 P.M. at the Hertford County Commissioners Meeting in the Board of County Commissioners Meeting Room, 701 N. King Street, Winton, NC. Hertford County will provide auxiliary aids and services under the ADA for disabled persons who wish to participate in the hearing. Anyone requiring special services should contact Loria Williams, County Manager, as soon as possible so that arrangements can be made.

The programs included in the Rural Operating Assistance Program application are:

1. Elderly & Disabled Transportation Assistance (EDTAP) Program provides operating assistance for the public transportation of elderly and disabled citizens.
2. Employment Transportation Assistance Program provides operating assistance for the public transportation of persons with employment related transportation needs.
3. Rural General Public (RGP) Program provides operating assistance for the public transportation for persons living in non-urban areas of the county.

The period of performance for Rural Operating Assistance Program funds is July 1, 2013 through June 30, 2014. The FY 2014 ROAP individual program totals are:

PROGRAM	TOTAL
EDTAP	\$55,856
EMPL	\$11,834
RGP	\$64,339
TOTAL	\$132,029

This application may be inspected at the Hertford County Manager's Office located at 701 N. King Street, Winton, NC from 8:30 – 5 PM Monday – Friday. Written comments should be directed to Ms. Loria Williams, Hertford County Manager, 701 N. King Street, Winton, NC 27986 before September 16, 2013.

Linda Blackburn, Director of Office on Aging, explained the breakdown of funds as follows:

EDTAP (\$55,856)	Aging	\$33,856
	DSS	\$22,000
EMPL (\$11,834)	DSS	
RGP (\$64,339)	CPTA	

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

## **REGULAR SESSION**

### **AGING**

On a motion by Hunter and a second by Gatling, the Board voted unanimously to approve the Rural Operating Assistance Program (ROAP) as presented by Linda Blackburn, Director of Office on Aging for FY 2013-2014.

### **CADA**

At the last regular Board Meeting held on September 3, 2013, CADA had presented a request for the following financial assistance:

- (1) Now that the original five-year IDA Program has ended, CADA is seeking reimbursement of \$18,000 for the match assistance provided for 18 new homeowners;
- (2) CADA is requesting to use the remaining funding \$7,000 from the County's original \$25,000 allocation to continue the program through June, 2014; and
- (3) CADA is requesting that the County review the economic impact that the programs CADA operates are making in the county and revisit the 2013-2014 allocation for CADA and increase that allocation to the \$20,000 original request.

The matter was tabled until the Board had a chance to review the IDA Program Grant and find out how much allocation CADA receives from the other counties they serve. The grant had been submitted for review; Halifax County appropriated \$5,400 this fiscal year; and Bertie County appropriated \$4,800 this fiscal year.

On a motion by Hunter and a second by Gatling, the Board voted unanimously to award the \$18,000 match for the IDA Program.

On a motion by Gatling and a second by Farmer, the Board voted unanimously to increase CADA's annual appropriation from \$2,000 to \$5,000.

## **PERSONNEL/COOPERATIVE EXTENSION**

On a motion by Farmer and a second by Gatling, the Board voted unanimously to approve the Fiscal Year 2013-2014 Special Leave Award by the State of North Carolina

for NC Cooperative Extension employees at NC State University and NC A&T State University as follows:

- a. The 40-hours are granted for use from July 1, 2013, through June 30, 2014, only. This Special Leave MUST be used before any other non-sick time leave. If an employee does not use this leave in that time period, it is forfeited.
- b. If an employee separates for any reason other than retirement, any balance of Special Leave will NOT be paid out – it is “forfeited”. If an employee retires before June 30, 2013, and has a balance, it will be paid out – but again, this Special Leave must be used before any other type of leave, so it is unlikely employees will have a balance that late in the fiscal year.

### **E-911**

On a motion by Hunter and a second by Gatling, the Board voted unanimously to approve the Hertford County E911 Governance Board Bylaws as presented by Loria D. Williams, County Manager.

Ms. Williams also presented proposals that had been received for the Architect and the Program Management Consultant for the E911 Project.

On a motion by Gatling and a second by Farmer, the Board voted unanimously to authorize the County Manager to negotiate with Becker Morgan as the Architect for the E911 Project.

On a motion by Hunter and a second by Gatling, the Board voted unanimously to authorize the County Manager to negotiate with L.R. Kimball as the Program Management Consultant for the E911 Project.

### **BOARD APPOINTMENTS**

#### **Choanoke Public Transportation Authority**

On a motion by Hunter and a second by Mitchell, the Board voted unanimously to reappoint Connie Perry to the Choanoke Public Transportation Authority (CPTA) for another three-year term to expire on September 30, 2016.

#### **Joint Community Advisory Committee**

On a motion by Gatling and a second by Hunter, the Board voted unanimously to appoint Westelle Cherry to the Joint Community Advisory Committee for a one-year term to expire on October 31, 2014.

#### **Murfreesboro Planning Bd./Bd. Of Adjustment ETJ**

On a motion by Hunter and a second by Farmer, the Board voted unanimously to reappoint Willie O. Boone and Edward Holley and to appoint George M. Jones to the Murfreesboro Planning Board/Board of Adjustment Extra Territorial Jurisdiction (ETJ) for three-year terms to expire on November 1, 2016.

### **Tri-County Airport Authority**

On a motion by Gatling and a second by Hunter, the Board voted unanimously to reappoint Commissioner Johnnie R. Farmer to the Tri-County Airport Authority for another three-year term to expire October 1, 2016.

On a motion by Hunter and a second by Gatling, the Board voted unanimously to appoint Michael Bunch to the Tri-County Airport Authority to fill the unexpired term of Tom Fretwell, who has resigned from the Board. This unexpired term will expire on October 1, 2015.

The Board was made aware of the continued absence of Tri-County Airport Authority Board Member O. S. Suiter. He has not attended a meeting in over a year. It was the general consensus of the Board to send Mr. Suiter a letter requesting his intentions of serving on this Board and informing him of possible removal from the Board.

### **Hertford County Public Health Authority Board**

On a motion by Mitchell and a second by Farmer, the Board voted unanimously to appoint Rebecca Greene to the Hertford County Public Health Authority Board to fill the unexpired term of Al Goddard, who has resigned from the Board. This unexpired term will expire on June 30, 2014.

### **ORDINANCES**

On a motion by Gatling and a second by Hunter, the Board voted unanimously to approve the Condemnation Ordinance for Hertford County Based Upon NCGS 153A-366 – 153A-371 and 153A-140 as presented by Loria D. Williams, County Manager, as follows:

#### **Condemnation Ordinance for Hertford County Based upon NCGS 153A-366 — 153A-371 and 153A-140**

#### **Now, Therefore, Be it Ordained as follows:**

The intent of this Ordinance is to remedy the long standing issue of buildings or other conditions that pose a danger to the health, safety, and welfare of the citizens of Hertford County. Whereas, the County is permitted to act in accordance with North Carolina General Statutes 153A §366-371, and 153A-40 to remove, abate, remedy, or condemn any buildings that are deemed uninhabitable or a public health or safety issue by the Building Inspector in consult with the Hertford County Fire Marshal.

A list of offending properties will be kept on file in the Planning & Inspections department listing the address, owner(s), tax PIN number, and photographs of *each* structure. The list will come from written citizen complaints as well as from staff observations. Anonymous complaints will be verified by staff before action shall be taken. Priority will be given to sites with close proximity to residences, schools, and

businesses. Barns, shelters, lean-to's, sheds, et al... that are utilized for agricultural purposes are not applicable to this ordinance, unless the health, safety, and general welfare of the public is in imminent danger. Public or county owned structures which are listed on the National Register of Historic Places and/or the North Carolina State Historic Preservation Office shall be exempt from this Ordinance. Private sites listed on the National Register of Historic Places and/or the North Carolina Historic Preservation Office shall be exempt from this ordinance for a period of 10 years from the date of sale. Within 10 years from any date of purchase, the *new* owner must have plans in place that maintain, restore, or alter the designated landmark to prevent it from being a danger to the health, safety and welfare of Hertford County citizens. The *Hertford* County Board of Commissioners reserve the right to revoke and/or disallow any waivers to this exemption if the requirements are not complied with or if deception is detected, in the judgment of the Hertford County Board of Commissioners, to avoid compliance.

The Building Inspector in consult with the Hertford County Fire Marshal shall condemn structures as unsafe based upon NCGS 153A-366 et seq, or may order the removal, abatement, or remedy of anything that is dangerous or prejudicial to the public health or safety based upon NCGS 153A-40. Proper posting of the property shall be given by placing notice upon the main entrance of the structure. Notice will be sent to the owner(s) of a building that has been condemned by certified mail at the owner's last known address, and notice of a hearing shall be given in the letter with an established time, date *and* location no more than 10 days after the date of the notice, as per NCGS 153A-368. If the name or whereabouts of the owner(s) cannot be located after due diligence, a notice of a hearing shall be published in a newspaper of general circulation at least once not later than one week before the hearing, and a notice of hearing shall be posted on the outside of the building at least 10 days prior to the hearing.

A staff hearing shall be conducted to assess the necessity of condemnation and any other remedies. Staff level hearings shall consist of the Building Inspector, Fire Marshal, Planning Director, and the County Manager. Following the hearing, the Building Inspector may issue any order to repair, close, vacate, **or** demolish the building as decided at the staff hearing.

If the Building Inspector in consult with the Hertford County Fire Marshal finds that there is a condition that constitutes a fire or safety hazard, or renders it dangerous to life, health, or other property, the Building Inspector shall issue a written order, directed to the owner(s) of the building, requiring the owner(s) to remedy the defective conditions within 60 days of the written order. If there is **imminent** danger to life or other property, it is at the discretion of the Inspector to prescribe corrective action to be taken in a lesser period. Failure to comply with the 60 day grace period could result in demolition by Hertford County, or other abatement action to remedy the problem.

The Hertford County Board of Commissioners shall serve in the capacity as the appellate board for the condemnation and demolition of the structure(s), and such order shall be signed by the Chairman of the Board of Commissioners, and kept on file in the Planning Department. After the staff level hearing, if the order to condemn the structure(s)

still stands, the property owner(s) shall have the opportunity to furnish a written notice of appeal to the Board of Commissioners within ten (10) days of the order being issued. In the absence of an appeal, the decision rendered at the staff level hearing is final. Every condemnation order shall be signed by the Chair of the Board of Commissioners before any physical demolition shall take place. The owner may appeal to the General Court of Justice within ten days after the final decision of the County.

The owner(s) of a posted property shall have the option to demolish, clean up, and dispose of the structure at a permitted landfill, and shall address any asbestos and lead paint issues in a proper manner. Demolition permits must be obtained from the Building Inspections Department and the proper disposal of any asbestos or lead paint is required. Structures will not be permitted to be buried on site. Remains of the structure may not be moved on the current site, nor transferred to another site. Burning on site will be permitted only after permits are obtained from the Hertford County Fire Marshal and the North Carolina Division of Environmental and Natural Resources Air Quality Division. It shall be required of the owner(s) to produce to the Inspections Department receipts from the permitted landfill or recycling center where the materials were disposed of to ensure compliance with this Ordinance within fifteen (15) days after the structure was demolished.

After due notice being provided to the owner(s) as above stated and the exhaustion of all appeals of the condemnation order, the County may initiate the removal or demolition of the structure(s). The costs of such removal, demolition or abatement shall become a lien against the real property upon which cost was incurred including, but not limited to, costs of removal, disposal, filing fees, reasonable attorney fees, and any other costs.

The lien shall be filed with the Clerk of Superior Court's Office and shall have the same priority as a lis pendens against the real property and can be collected in the same manner as a lien for special assessments including an actual sale of the said real property to recover all costs incurred by the County.

In addition, pursuant to NCGS 153A-140, such costs may be collected as unpaid taxes.

This ordinance shall take effect and be in force from and after its passage.

As there was a unanimous vote in favor, with all Commissioners present, the ordinance is effective immediately.

### **COURTHOUSE**

On a motion by Hunter and a second by Mitchell, the Board voted unanimously to approve a Right-Of-Way Agreement with Dominion Power at the new Courthouse property as presented by the County Manager.

### **PUBLIC COMMENT PERIOD/TAX**



Mr. Gary Terry, 3144 US 13 North, Ahoskie, spoke to the Board during Public Comment Period. He is a resident of and pays taxes in Bertie County. He continues to get notices and garnishment letters saying he owes taxes in Hertford County. He is requesting the Board and/or Administrative staff to please take care of this problem.

### **COUNTY MANAGER'S UPDATE**

- Ms. Williams shared with the Board that Bill Early, EDC Director, would like to submit an application for a Golden LEAF grant. The deadline is October 15, 2013. Golden LEAF projects will be further discussed at the Strategic Planning Work Session.
- A Strategic Planning Work Session was scheduled for October 7, 2013, after the Regular Board Meeting

### **COMMISSIONERS' COMMENTS**

- Vice-Chairman Mitchell commended the DSS Staff on the stellar job they are doing with NC Fast and the Affordable Care Act.
- Commissioner Hunter congratulated Commissioner Farmer on being appointed the Chair of the NCACC Health and Human Services Steering Committee
- Chairman Freeman represented the Board at the Heritage Day Parade in Ahoskie on September 14
- County Attorney Revelle informed the Board that Attorney Maria Jones will replace him at the next Board Meeting

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.