

Minutes
Organizational Meeting
Hertford County Board of Commissioners
County Commissioners' Meeting Room
Monday, December 5, 2011
9:00 A.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

County Attorney Charles L. Revelle, III, called the organizational meeting to order.

The invocation for the meeting was provided by Commissioner Curtis A. Freeman, Sr.

COMMISSIONERS

County Attorney Revelle opened the floor for nominations for Chairman of the Board of Commissioners for the next year.

Commissioner Mitchell nominated Commissioner Freeman as Chairman. There were no other nominations.

On a motion by Mitchell and a second by Farmer, the Board voted unanimously to appoint Commissioner Freeman as Chairman.

Chairman Freeman then opened the floor for nominations for Vice-Chairman of the Board of Commissioners for the next year.

Commissioner Hunter nominated Commissioner Mitchell as Vice-Chairman. There were no other nominations.

On a motion by Hunter and a second by Gatling, the Board voted unanimously to appoint Commissioner Mitchell as Vice-Chairman.

MINUTES

On a motion by Gatling and a second by Hunter, the Board voted unanimously to approve the minutes of the November 7, 2011, Regular Meeting as presented.

On a motion by Hunter and a second by Mitchell, the Board voted unanimously to approve the minutes of the November 21, 2011, Regular Meeting as presented.

PERSONNEL

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

<u>NAME</u>	<u>DEPARTMENT</u>	<u>HIRE DATE</u>
Dana Riddick	Social Services	10-26-11
Laquitte Howard	Jail	11-11-11
Phyllis Miller	Jail	11-11-11
Tysheda Williams	Jail	11-11-11

N.C.D.O.T.

Discussion on NC 11/11 Intersection was postponed until a later date since Jerry Jennings with N.C.D.O.T. had a conflict with tonight's meeting.

TAX

Mr. and Mrs. Edward Burby addressed the Board to request a release from recapture of deferred taxes for the 2008, 2009 and 2010 tax years. In April of 2011, the Burby's transferred three separate tracts of timberland, which they individually owned, to Wiccacon Properties, LLC, which was an LLC which they owned. In August, 2011, the Burby's received a tax bill for approximately \$4800 for recapture of deferred use value taxes. They contacted the Tax Assessor and were told that a transfer of the property required a new application for use value assessment. The Assessor told them a letter had been sent to them in May telling them that they needed to file an application for continued use value, but they said they never received the letter, so the sixty day deadline passed. They indicated that they had had some illness and had been out some during the period the letter should have been received. They felt that they were the same owners, since they owned the LLC, and that they did not receive any money for the property, and that a \$4800 charge was unfair. They said they had always paid their taxes, and they felt this was just a technical issue, they had changed the name but not the owners. They said they realized the Assessor was doing her job, but asked the Commissioners for their consideration. A new application was filed in November.

The Assessor explained that under NCGS 105-277.4 (a) a new application for use value assessment must be filed within sixty days of the transfer of property. All taxpayers are informed of this when they initially apply for use value, and it is stated on the application form. The Tax office is not required to notify owners that a new application is required when property is transferred, but the Assessor's Office does send out reminder letters as a courtesy. In May, the Burby's were sent a reminder letter to the same address that the tax bills were sent.

The County Attorney shared some history of the use value statutes, and indicated that any transfer of ownership triggers the recapture provisions, unless the new owner applies for continued use valuation within sixty days and accepts liability for deferred taxes. The Assessor can also grant extensions, if requested during the sixty day period. It has been the policy of the Assessor to send out reminder letters, although that is not a legal requirement. If the new application is not filed within sixty days, it is the Assessor's responsibility to recapture the taxes. The Assessor does not have discretion at that point, but under NCGS 105-277.4 (a1), the County Commissioners may approve a late application upon a showing of good cause. The question before the Commissioners is whether or not the Burby's have shown good cause. They have said they did not receive the reminder letter mailed by the Tax Office, that the land transfer was from themselves individually to a LLC that they owned, with no change in the use or character of the land, so it did not occur to them that there had been any change in their situation, until they got the tax bill in August. The Assessor has indicated how the program rules are explained and a courtesy reminder is sent by her office.

On a motion by Hunter and a second by Farmer, the Board voted unanimously to table this matter until after Closed Session.

BUDGET AMENDMENTS/SOCIAL SERVICES

Adonica Hampton, DSS Director, and Eric Koss, IT Director with Soundside Group, were present to discuss replacement of computers and broadband upgrade for the Ahoskie Office to meet the State's NCFAST requirements. The total cost of replacing the computers is \$115,210, and the broadband upgrade will cost approximately \$1,200 per month. Discussion was held in reference to replacing the computers between two years. Computer replacement (\$115,210) is 50% reimbursable.

On a motion by Gatling and a second by Mitchell, the Board voted unanimously to approve the Budget Amendment as presented above to meet the State's NCFAST requirements.

BUDGET AMENDMENTS

On a motion by Hunter and a second by Gatling, the Board voted unanimously to approve the following Amendment No. 6 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. 6)

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:

Human Services

Department of Social Services – LIEAP	\$50,200
Total	\$50,200

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

<u>Increase (Decrease) Revenues:</u>	
Restricted Intergovernmental – DSS	\$50,200
Total	\$50,200

This amendment:

- Appropriate funds to DSS – Source of funds from Federal Low Income Home Energy Assistance Funds Block Grant

On a motion by Hunter and a second by Mitchell, the Board voted unanimously to approve the following Amendment No. 2 to the FY 2011-2012 E911 Special Reserve Fund as presented by Robbin Stephenson, Finance Director:

**AMENDMENT No. 2
FY 2011/2012
E911 SPECIAL RESERVE FUND**

Section 1 of the E911 Special Reserve Fund, pertaining to emergency telephone systems and/or projects shall be amended as follows:

<u>Revenues:</u>	
Reserve Fund Balance Appropriated	\$62,041
Total	\$62,041

Section 2 of the E911 Special Reserve Fund, pertaining to emergency telephone systems and/or projects shall be amended as follows:

<u>Expenditures:</u>	
Sheriff Department	\$62,041
Total	\$62,041

This amendment:

- Use 50% of E911 Fund Balance (one time only) for public safety purposes. This is the balance of the one time appropriation.

Source of Funding: E911 Surcharge

PERSONNEL/COMMISSIONERS

On a motion by Hunter and a second by Mitchell, the Board voted unanimously to adopt the following 2012 Holiday Closings for Hertford County Offices and the 2012 Meeting Calendar for the Hertford County Board of Commissioners as presented by Shelia W. Matthews, Clerk to the Board:

**2012 HOLIDAY CLOSINGS
HERTFORD COUNTY OFFICES**

New Year's Day	Monday, January 2
Martin Luther King, Jr. Day	Monday, January 16
Good Friday	Friday, April 6
Memorial Day	Monday, May 28
Independence Day	Wednesday, July 4
Labor Day	Monday, September 3
Thanksgiving	Thursday, November 22
	Friday, November 23
Christmas	Monday, December 24
	Tuesday, December 25
	Wednesday, December 26

NOTE: The following Commissioners' Meeting Calendar can be amended as needed throughout the year:

**Meeting Calendar for 2012
Hertford County Board of Commissioners**

Tuesday, January 3	9:00 A.M.	Rescheduled Meeting (Due to New Year's Holiday)
Tuesday, January 17	7:00 P.M.	Rescheduled Meeting (Due to ML King, Jr. Holiday)
Monday, February 6	9:00 A.M.	Regular Meeting
Monday, February 20	7:00 P.M.	Regular Meeting
Monday, March 5	9:00 A.M.	Canceled Meeting (Due to NACO Legislative Conf.)
Monday, March 19	7:00 P.M.	Regular Meeting
Monday, April 2	9:00 A.M.	Regular Meeting
Monday, April 16	7:00 P.M.	Regular Meeting

Monday, May 7	9:00 A.M.	Regular Meeting
Monday, May 21	7:00 P.M.	Regular Meeting
Monday, June 4	9:00 A.M.	Regular Meeting
Monday, June 18	7:00 P.M.	Regular Meeting
Monday, July 2	9:00 A.M.	Regular Meeting
Monday, July 16	7:00 P.M.	Canceled Meeting (Due to NACO Annual Conf.)
Monday, August 6	9:00 A.M.	Regular Meeting
Monday, August 20	7:00 P.M.	Regular Meeting
Tuesday, September 4	9:00 A.M.	Rescheduled Meeting (Due to Labor Day Holiday)
Monday, September 17	7:00 P.M.	Regular Meeting
Monday, October 1	9:00 A.M.	Regular Meeting
Monday, October 15	7:00 P.M.	Regular Meeting
Monday, November 5	9:00 A.M.	Regular Meeting
Monday, November 19	7:00 P.M.	Regular Meeting
Monday, December 3	9:00 A.M.	Regular Meeting
Monday, December 17	7:00 P.M.	Regular Meeting

BOARD APPOINTMENTS

CADA Board of Directors

On a motion by Hunter and a second by Mitchell, the Board voted unanimously to reappoint Lynn Johnson and Cleveland Blount to the CADA Board of Directors for additional two-year terms to expire on January 1, 2014.

Hertford County Economic Development Commission

On a motion by Hunter and a second by Gatling, the Board voted unanimously to reappoint Raymond Benthall and John Tayloe and to appoint June Warren to the Hertford County Economic Development Commission for three-year terms to expire on January 1, 2015.

Hertford County Planning Board/Zoning Board of Adjustment

On a motion by Hunter and a second by Farmer, the Board voted unanimously to reappoint Garry Lewter, Rev. Dr. Claude Odom, and Dr. Terry Hall to the Hertford County Planning Board and Zoning Board of Adjustment for additional three-year terms to expire on January 1, 2015. Dr. Terry Hall will serve as Alternate #2 on the Zoning Board of Adjustment.

Joint Community Advisory Committee

On a motion by Farmer and a second by Gatling, the Board voted unanimously to reappoint Barbara Lies to the Joint Community Advisory Committee for a three-year term to expire on December 1, 2014.

COUNTY MANAGER'S UPDATE

Loria D. Williams, County Manager, presented a proposed Interlocal Agreement and held a discussion on the consolidation of 911 Service. The grant application deadline is in February. Chairman Freeman and Commissioner Mitchell were designated to attend committee meetings to discuss this consolidation.

COMMISSIONERS' COMMENTS

- Commissioner Gatling commended EMS during a recent bus accident
- Chairman Freeman echoed Commissioner Gatling's comment and remarked about the professionalism of the EMS staff
- Commissioner Farmer thanked the Board for the pleasure of serving as Chairman for the past two years, and he wished Chairman Freeman well as Chairman
- Vice-Chairman Mitchell congratulated Chairman Freeman and thanked the Board for being named Vice-Chairman. He also thanked Commissioner Farmer for his time as Chairman. He thanked the Town officials present for taking the time to work on the 911 issue.

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

On a motion by Hunter and a second by Farmer, the Board voted unanimously to deny the appeal requested by Mr. and Mrs. Edward Burby for release from recapture of deferred taxes for the 2008, 2009, and 2010 tax years on the three pieces of property transferred to Wiccacon Properties, LLC, due to failure to show good cause for not meeting the required deadlines for filing a new application after a transfer of property.

COURTHOUSE

On a motion by Hunter and a second by Gatling, the Board voted unanimously to narrow the list of potential sites for relocating the Courthouse to the Stuart Pierce property (Ahoskie) and the Percy Bunch property (Murfreesboro). The Riversedge property (Winton) was removed from the list of potential sites.

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

Shelia W. Matthews
Clerk to the Board

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

