

Windsor, North Carolina
January 7, 2014
Regular Meeting

The Bertie County Board of Commissioners met for their regularly scheduled meeting at 10:00AM 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 Seredni
County Attorney Lloyd Smith
Emergency Services Director Mitch Cooper
Interim Emergency Medical Services Director Matt Leicester
Economic Development Steve Biggs

Media members present included Thadd White of the Bertie Ledger-Advance, and Gene Motley of the Roanoke-Chowan News Herald.

Jeff Best of Carr Riggs & Ingram, LLC, and Bertie County Veteran Services Representative Milton Parker were also present for a portion of the meeting.

Chairman Perry opened the meeting, and thanked all of those present for their attendance.

INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner Wesson gave the Invocation and Pledge of Allegiance.

PUBLIC COMMENTS

There were no Public Comments.

APPOINTMENTS

Purple Heart Proclamation presentation by Veteran Services Representative Milton Parker
Veteran Services Representative Milton Parker presented a proclamation to the Board that, if signed, would make Bertie County a member of the National Military Order of the Purple Heart, and a

Purple Heart county. Mr. Parker also submitted a fact sheet and other information regarding the history, and goals of the Order.

The Board inquired about the number of Purple Heart recipients in the County presently.

Mr. Parker stated that he was sure of at least one Purple Heart recipient, but that he would be making an effort to find additional recipients via a newspaper advertisement.

The Board expressed their support of the proclamation.

Commissioner Harrell made a **MOTION** to sign the proclamation making Bertie County a member of the National Military Order of the Purple Heart and a Purple Heart county. Commissioner Trent **SECONDED** the motion. The motion passed unanimously.

The proclamation reads as follows:



A PROCLAMATION DECLARING BERTIE COUNTY AS A PURPLE HEART COUNTY

WHEREAS, the Purple Heart is the oldest decoration in present use and was initially created as the Badge of Military merit by General George Washington in 1782; and

WHEREAS, the Purple Heart was the first American service award or decoration made available to the common soldier and is specifically awarded to any member of the United States Armed Services wounded or killed in combat with a declared enemy of the United States; and

WHEREAS, the mission of the Military Order of Purple Heart, Chartered by an act of Congress, is to foster an environment of goodwill among the combat wounded veteran members and their families, promote patriotism, support legislative initiatives, and most importantly – make sure we never forget; and

WHEREAS, Bertie County residents have been engaged in every war against a declared enemy fought by the United States, including the war for the nation's independence; and


WHEREAS, Bertie County has also become home to countless veterans and their families whose lives have been altered forever as a result of combat injuries and loss of life; and


WHEREAS, Bertie County has large number of residents who have been awarded the Purple Heart Medal for wounds received in combat; and

WHEREAS, Bertie County recognizes the commitment and increasing sacrifices required of military families, and pledges its ongoing commitment to and support for the men and women who so honorably serve our nation.

NOW, THEREFORE, BE IT PROCLAIMED, that the Bertie County Board of Commissioners hereby declares Bertie County as a Purple Heart County in the State of North Carolina

This the 1th day of January, 2014.


J. Wallace Ferry, Chairman
Bertie County Board of Commissioners


Sarah Serebni, Clerk to the Board

EMS Transition Update by Emergency Services Director Mitch Cooper

Emergency Services Director Mitch Cooper provided a report to the Board regarding the current EMS standings since the First Med to County transition occurred.

Mr. Cooper stated that the EMS system is “still operating” and faced “no lapse” in service. He also stated that all trucks are now State certified and in place. Mr. Cooper mentioned that it would be 30 days before revenue would be received from the billing company.

Mr. Cooper also informed the Board that former Washington County Emergency Services Director David Clary would be meeting with him to discuss a potential EMS budget that would then be presented to the Board at their January 2014 Planning Retreat.

Finally, Mr. Cooper stated that everything was running smoothly and that he recommended the Board approve a decision to terminate the County State of Emergency which was put into effect on December 9, 2013.

Commissioner Wesson made a **MOTION** for the Board to terminate the County State of Emergency because of the stability of the County owned and operated EMS system. Commissioner Trent **SECONDED** the motion. The motion passed unanimously.

The declaration reads 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 SAUER, County Manager
SARAH SEREDNI, Clerk to the Board

January 7, 2014

TERMINATION OF COUNTY STATE OF EMERGENCY BERTIE COUNTY BOARD OF COMMISSIONERS

On December 9, 2013 at 12:00pm, the Bertie County Board of Commissioners Declared a State of Emergency due to immediate unforeseen and unwarranted termination of contract with the 911 ambulance provider, First Med. The County has since received an EMS provider license and obtained enough equipment to sustain an efficient EMS system to continue providing high quality emergency care to the citizens of the County.

The Department of Emergency Services suggests that the State of Emergency be terminated, and for normal operations to resume on **January 7, 2014 at 12:00pm.**

Declaration Terminated this the 7th day of January at 12 (P.M.)


Chairman, Bertie County Board of Commissioners

Commissioner Wesson thanked Mr. Cooper for his continued work ethic during the EMS transition. He also mentioned an article in a recent Roanoke-Chowan News Herald publication that listed Bertie County EMS as the most reported story for the year of 2013.

Commissioner Wesson thanked Gene Motley of the Roanoke-Chowan News Herald for his continuing coverage of the happenings in Bertie County.

The Board commended all employees involved in the transition for their quick response and dedication to protecting the citizen of Bertie County.

County Attorney Lloyd Smith provided the Board with an update regarding First Med's Chapter 7 bankruptcy filing. He also presented the Board with the contract to officially purchase 3 ambulance vehicles, as well as other emergency equipment, from First Med via the bankruptcy trustee, Joe Callaway.

Commissioner Trent made a **MOTION** to approve the contract to officially purchase 3 ambulance vehicles and other emergency equipment from First Med's bankruptcy trustee. Vice Chairman Smith **SECONDED** the motion. The motion passed unanimously.

The contract reads as follows:

STATE OF NORTH CAROLINA

PURCHASE CONTRACT

BERTIE COUNTY

THIS AGREEMENT AND CONTRACT, made and entered into the 2nd day of January, 2013, by and between ALGERNON L. BUTLER, III, as the Chapter 7 bankruptcy trustee (hereinafter referred to as "Trustee") for the bankruptcy estate of Coastline Care, Inc. (hereinafter referred to as the "Debtor"), Case No. 13-BK-07676-8-SWH (hereinafter referred to as the "Bankruptcy Case"), pending in the United States Bankruptcy Court for the Eastern District of North Carolina, Wilmington Division, (hereinafter referred to as the "Bankruptcy Court") and the COUNTY OF BERTIE, a body politic and corporate organized and existing under the laws of the State of North Carolina, and its Assigns (hereinafter referred to collectively as "County");

WITNESSETH:

WHEREAS, on December 11, 2013, the Debtor filed in the Bankruptcy Case a petition seeking relief under Chapter 7 of the United States Bankruptcy Code, and the Trustee was named to his office and granted authority over the property of the Bankruptcy Estate;

WHEREAS, under an emergency medical services contract entered into before Debtor's bankruptcy petition, Debtor provided County full time emergency medical services and used five (5) motor vehicles, associated medical emergency equipment, and various medical supplies to facilitate said emergency medical services to communities in and about the County;

WHEREAS, prior to the filing of the Bankruptcy Case, the Debtor ceased performing under its aforesaid contract with the County, resulting in the County on December 9, 2013 to issuing a Proclamation of a County State of Emergency (the "December 9 Proclamation") under applicable North Carolina statutes, purporting to enable the County to take over and perform the necessary emergency medical services contemplated therein;

WHEREAS, upon the Bankruptcy Case being filed, the Trustee and the County undertook negotiations to allow the County to continue using certain equipment of the Debtor necessary to perform the emergency medical services and purchase the same subject to the approval of the Bankruptcy Court;

WHEREAS, the Trustee and the County have now agreed upon contractual terms that would enable the County to acquire from Trustee the bankruptcy estate's interest in the following: three (3) of emergency ambulance motor vehicles of the Debtor located in Bertie County NC used by the Debtor pre-petition and by the County since the December 9 Proclamation, being (a) a 2005 Ford E-450, NC VIN No. 1FDSS34P38DB61180, (b) a 2007 Chevy DLS Van, NC or WV VIN No. 1GBHC396X71240088, and (c) a 2005 Ford E-350, NC VIN No. 1FDSS34P38DB61180, (collectively the "Ambulances") and also all the medical equipment associated with each of the three (3) motor vehicles as well as the medical equipment associated with the two (2) leased motor vehicles of the Debtor located in Bertie County, NC, not subject to this Contract, including four (4) Stryker MXPRO Stretchers, one (1) Ferno 35-P Stretcher, five

(5) Medtronic Life Pak 12 Defibrillators, back boards, traction splints, and stair chairs, and various medical supplies stocked in each of the five (5) motor vehicles (the "Medical Supplies" (hereinafter the Medical Supplies and Ambulances are referred to collectively as "Medical Equipment");

WHEREAS, the County has remitted to Trustee the agreed sum of THIRTY THOUSAND and NO/100 DOLLARS (\$30,000.00) (hereinafter the "Purchase Price") for Trustee to hold during the pendency of obtaining Bankruptcy Court approval of the Contract and the transaction contemplated herein, subject to the further terms and conditions stated herein and in the necessary motions and orders to be filed in the Bankruptcy Case;

WHEREAS, the County has control over and use of the Medical Equipment in the interim period pursuant to the authorization of Trustee;

WHEREAS, County is authorized and has the power under applicable law to enter into this Contract, and to carry out its obligations thereunder and the transactions contemplated thereby; and

WHEREAS, the authorization and execution of this Contract and all other proceedings of County relating to the transaction contemplated thereby have been or will be performed in accordance with all applicable open meetings, public records, public bidding, and all other laws, rules and regulations of the State of North Carolina, if and when applicable.

NOW THEREFORE, in consideration for the mutual promises and covenants contained herein, the Purchase Price, and other good and valuable consideration, the receipt of which is hereby acknowledged, Trustee and County agree as follows:

1. The validity, force and effect of this Contract shall be subject to and conditioned upon the approval, after notice and opportunity for hearing, of the Bankruptcy Court, and is not binding upon or enforceable against the parties until a final order approving the sale of the Medical Equipment free and clear of all liens, encumbrances, secured claims and competing interests in said Medical Equipment under 11 U.S.C. § 363. Upon Bankruptcy Court approval, all liens, encumbrances, secured claims and competing interests in said Medical Equipment shall transfer to the net sale proceeds.

2. Within ten (10) business days of the execution of this Contract, Trustee shall move the Bankruptcy Court for an order approving the above-mentioned sale under 11 U.S.C. § 363. In the event the Court does not approve said sale, the terms and conditions of this Contract, and any obligations and covenants made herein, shall be null and void, and County shall be obligated to the Bankruptcy Estate in the amount of ONE THOUSAND and NO/100 DOLLARS (\$1,000.00) (hereinafter the "Rental Amount") for the agreed-upon rental value of the Medical Equipment used by County during each month of the "Rental Period", being the period from the date Debtor declared bankruptcy to the date the Court enters an Order denying the sale of the Medical Equipment, or any other event which bars, eliminates, or otherwise frustrates the intentions of the Parties to transfer the Medical Equipment. The Rental Amount shall be prorated for any partial month included in the Rental Period.


3. Upon Court approval and entry of a Final Order docketed in the above-reference action, Trustee shall release the Purchase Price from escrow and transfer the same into the Bankruptcy Estate. The Purchase Price shall be allocated as follows: \$15,500 for the Ambulances and \$14,500 for the Medical Supplies. Further, Trustee shall execute such bills of sale and vehicle title transfer documents as may be prepared or presented to him by County, subject to Trustee's reasonable approval as to the terms thereof, and reasonably required to affect the transfer of the Medical Equipment to County. The Trustee does not presently have the certificates of title for the Ambulances, so it will be incumbent upon County to obtain any replacement certificates of title if the originals cannot be located. The Trustee agrees to cooperate in a reasonable manner to aid County in obtaining the titles, including such turnover motions or other requests for court orders as may be reasonably necessary. The Purchase Price shall not be released until proper original or replacement certificates of title are obtained to the reasonable satisfaction of County, provided that the County acts promptly and in good faith to obtain proper title certification.
4. Pending Bankruptcy Court approval of the Transaction, the Trustee agrees to hold the Purchase Price funds in trust in the case account and act at all times as an escrow agent of the Purchase Price for the purposes of this transaction. He understands and assumes all rights, obligations, and liabilities as Escrow Agent under and pursuant to this Contract.
5. County agrees to keep the Medical Equipment insured and maintain liability insurance for the sum of \$2,000,000 during the pendency of the sale, and agrees to hold the Bankruptcy Estate harmless for any loss, liability, or damages caused by the County's operation of the Medical Equipment pending the sale. Trustee shall be named as a primary loss payee in his capacity as a Chapter 7 bankruptcy trustee in the event an insurance claim is made in connection with use, misuse, damage, or performance of the Medical Equipment or liability incurred in the use thereof.
6. The County has had an adequate opportunity to inspect the Medical Equipment including the vehicles and the Trustee makes to representation or warranty as to the nature or extent of the interest of the Trustee therein including the year, make or model of any of the vehicles, the VIN being determinative.
7. It is explicitly agreed that no term of this Contract shall prejudice or affect County's claim against neither Debtor and/or its affiliates in the above-referenced action nor any defenses of the Bankruptcy Estate thereto, such matters being reserved for determination within the Bankruptcy Case under its normal progression.
8. This Contract is made in and shall be construed under the laws of the State of North Carolina. Venue and jurisdiction to interpret and enforce the terms thereof between the parties shall be deemed placed exclusively with the Bankruptcy Court.
9. This Contract is the entire agreement between the parties. There are no terms or conditions to this Contract which are not expressly set forth herein. This Contract may not be amended except by a written document signed by a duly authorized official of each party.

However, to the extent the terms of this Contract may differ with the Final Order, the terms of the Final Order shall control.

10. This Agreement may be executed in any number of counterparts and by the parties hereto on separate counterparts, each of which counterparts, when so executed and delivered (including by facsimile transmission), shall be deemed an original, and all of which counterparts, taken together, shall constitute one and the same Agreement.

11. This Contract shall be binding upon the assigns and successors in interest of the parties. The County may assign its rights under the Contract to such division or entity as may be appropriate in its discretion.

IN WITNESS WHEREOF, the parties hereto, through their duly authorized representatives, have executed this Contract as of this the day and year first above written.

 Ch. 7 Trustee

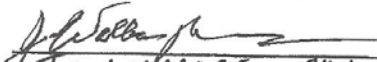
Algernon L. Butler, III
Chapter 7 Trustee for Coastline Care, Inc., Debtor
BUTLER & BUTLER, L.L.P.
111 North Fifth Avenue
Wilmington, NC 28401
Telephone: (910) 762-1908
Facsimile: (910) 762-9441

COUNTY OF BERTIE, NORTH CAROLINA:

By:

Name:

Title:


J. WALLACE PERRY
CHAIRMAN, BOARD COMM.

The Board also discussed the titles of the ambulance vehicles, as well as the slated timeframe for more information to be available from the billing agency regarding Medicare/Medicaid reimbursement.

Emergency Services Director Cooper then gave the floor to Interim Emergency Medical Services Director Matt Leicester to present a report about the current EMS response times.

Mr. Leicester presented the Board with a detailed report ONthe last 3 months of response and chute times for EMS. In December 2013, EMS responded to 273 calls. The report stated that 95% of those 273 calls had a response time of less than 20 minutes.

He also provided the Board with a summary of calls for October 1, 2013 to December 31, 2013. There were a total of 804 calls in that time frame. The average response time was 10.69 minutes. The average chute time was 84.08 seconds. The percentage of calls answered in less than 20 minutes was 94%.

Commissioner Wesson state that the County had made history with the response to the First Med bankruptcy, and that all County employees involved work seamlessly to make the EMS transition as smooth as possible.

The Board commended the EMS staff as well as Mr. Leicester for continuing to provide the highest quality care to the citizens of Bertie County.

Audit presentation for FY ending June 2013 by Jeff Best

Mr. Jeff Best, CPA with the firm of Carr Riggs & Ingram, was introduced by Chairman Perry, and asked to present the most recent audit for Bertie County.

Mr. Best explained that the audit report for the fiscal year ending June 30, 2013 was very positive for Bertie County and that his firm has issued an “unqualified opinion” letter which states that the financial statements of the governmental and business type activities reflected in this report present fairly, in all material respects, the financial position of the County in accordance with accounting principles generally accepted in the United States of America.

Mr. Best reported to the Board that the audit for the FY 2012-2013 was good news, and positive in all aspects. Of significant note, Mr. Best highlighted the County’s effort to refinance the USDA debt for Water Districts I,II,III, and IV which produced a net savings to the County of \$2.49 million and is reflected as \$11.77 million in limited obligation financing in the report.

In addition, Mr. Best mentioned the construction in progress for the new Bertie high school and the debt obligation for that project.

Exhibit 3 in the report reflected an unassigned fund balance of \$6,012,151 which is 30.95 percent of the General Fund expenditures of \$19,421,974 which is reflected on Exhibit 4 on page 22 and was noted by Mr. Best as a very positive indicator for the County. Exhibit 5 on page 24 was also

noted by Mr. Best which reflected a positive net change for the General Fund of \$535,628 at June 30, 2013.

Mr. Best also noted the total net assets for the Water Districts of \$28.4 million on page 40 of the audit report.

During the discussion with the Board, Commissioner Trent asked Mr. Best about the notes to the financial statements beginning on page 43 regarding the post employment healthcare benefits for retirees, and the unfunded actuarial accrued liability of \$8,129,891 which was reported on page 45. It was agreed that Mr. Best would return for the Board's upcoming planning retreat and have a detailed discussion of this matter with the Board.

Chairman Perry thanked Mr. Best for his presentation and extended gratitude for the positive report on the County's financial condition.

Before leaving, the County Manager asked Mr. Best to briefly review his firm's efforts on behalf of the South Windsor Water Association transition to the County.

Mr. Best outlined for the Board his proposed procedures for confirmation of the cash, receivables, accounts payable and fixed assets as of the Association's most recent audit. Mr. Best reported that a formal proposal for these services would be forthcoming very soon.

BOARD APPOINTMENTS

There were no Board Appointments. The Board reviewed their latest advertisement on current Board vacancies.

CONSENT AGENDA

Commissioner Harrell made a **MOTION** to approve all minutes listed between 12-2-13 and 12-18-13. Vice Chairman Smith **SECONDED** the motion. The motion passed unanimously.

County Manager Sauer recommended that the Board approve the Register of Deeds Fees Reports for both November and December of 2013.

Vice Chairman Smith made a **MOTION** to approve the Register of Deeds Fees Reports for Both November and December of 2013 as recommended by the County Manager. Commissioner Wesson **SECONDED** the motion. The motion passed unanimously.

DISCUSSION AGENDA

South Windsor Water Association transitional documents

County Attorney Smith presented the Board with a draft of potential transitional document regarding the South Windsor Water Association.

Multi-agency Lease Agreement for DRC building

County Attorney Smith presented the Board with the draft of a potential lease for those entities interested in occupying space within the DRC building.

After some discussion, the Board decided to revisit the topic at their Planning Retreat.

Economic Development – grant options

Economic Development Steve Biggs informed the Board of two current grant opportunities. One grant, if received, could allow the County to aid a small business owner in their start-up costs while establishing a business here in the County.

The other grant, if received, would provide funding for a water access ramp on the Bertie County side of the Chowan River.

The Board came to a consensus that Mr. Biggs should pursue these grant opportunities.

Mid-East Commission – Interlocal Agreement & financial requests

The Board discussed the possibility of assisting Mid-East Commission with the construction financing for a new building in Washington or Beaufort County.

After a lengthy discussion, Commissioner Trent made a **MOTION** to reject Mid-East Commission's Interlocal Agreement and financial requests. Commissioner Wesson **SECONDED** the motion. The motion passed unanimously.

January 16/17, 2014 – Planning Retreat

County Manager Sauer reminded the Board of their upcoming Planning Retreat at the Roanoke Cashie River Center on Thursday, January 16 and Friday, January 17.

County Attorney Smith mentioned that the contract between Green Engineering and the County should be stated between Green Engineering and the Water Districts.

Meeting Locations for Regular Commissioners Meetings 2014

The Board discussed additional locations in which told communities meetings in 2014.

The Board will finalize their schedule at their Planning Retreat.

ABC Board Letter from Miles Davis

The Board reviewed a letter submitted by ABC Board Chairman Miles Davis regarding a profit for FY 2012-2013. The letter requested that the revenue amount of \$10,000 be placed in to the County's general fund.

Commissioner Harrell made a **MOTION** to receive these funds as revenue for the general fund. Commissioner Trent and Wesson **SECONDED** the motion. The motion passed unanimously.

COMMISSISONERS' REPORTS

Commissioner Wesson reported that Albemarle Regional Health Services was looking to fund a program geared towards better parenting. Mr. Wesson mentioned that the organization was looking to partner with neighboring organizations with similar goals in mind. Currently, Albemarle Regional Health Services is present in 3 different counties.

Commissioner Harrell had no report at this time.

Chairman Perry and Vice Chairman Smith had no reports at this time.

Commissioner Trent informed the Board that the Kelford Nutrition Site was now open, and that a check presentation took place right before this meeting began. Mr. Trent stated that the event was a big success even though the host building did not have heat at the time. He also mentioned that at least a dozen citizens were expected to come out and receive food assistance from the site by lunchtime.

COUNTY MANAGER'S REPORTS

County Manager Sauer inquired whether or not the Board would want to hold their next regularly scheduled meeting on January 21, 2014. The Board would have just met the Thursday and Friday prior at their Planning Retreat.

County Manager Sauer also stated that an agenda would have to be prepared during the time of the Retreat if the Board was to still hold the January 21 meeting.

Vice Chairman Smith made a **MOTION** to cancel the January 21, 2014 meeting in lieu of the Planning Retreat on January 16-17, 2014. Commissioner Wesson **SECONDED** the motion. The motion passed unanimously.

County Manager Sauer also recommended that the Board go into Closed Session pursuant to 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; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.

COUNTY ATTORNEY'S REPORTS

County Attorney Smith also requested that the Board go into Closed Session pursuant to N.C.G.S. § 143-318.11(a)(3) to go into closed session to consult with the County Attorney in order to preserve the attorney-client privilege that exists between the attorney and this public body.

PUBLIC COMMENTS CONTINUED

There were no Public Comments in this section.

CLOSED SESSION

Commissioner Wesson made a **MOTION** to go into Closed Session pursuant N.C.G.S. § 143-318.11(a)(6) and N.C.G.S. § 143-318.11(a)(3). Commissioner Trent **SECONDED** the motion. The motion passed unanimously.

The Board shifts into Closed Session.

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

The Board shifts back into Open Session.

The Board had no further discussion at this time.

RECESS

Chairman Perry recessed the meeting until 9:00am on Thursday, January 16 at the Roanoke Cashie River Center.

J. Wallace Perry, Chairman

Sarah Seredni, Clerk to the Board