

***WARREN COUNTY
BOARD OF COMMISSIONERS***

October 3, 2016

5:30 pm – Public Hearing

***WARREN COUNTY
ARMORY CIVIC CENTER
COMMISSIONERS' MEETING ROOM
WARRENTON, NC***

October 3, 2016 - Public Hearing
On All Matters Covered By The
Preliminary Assessment Resolution to Improve Bella Russell Road in
Smith Creek Township, Warren County

- 1. Chairman or designee call Public Hearing to order at 5:30 pm**
- 2. Clerk Read Notice of Public Hearing**
- 3. Clerk Read Public Hearing Procedures**
- 4. Overview of Preliminary Assessment Resolution to Improve Bella Russell Road in Smith Creek Township, Warren County – County Manager Linda T. Worth**
- 5. Citizen Comments**
- 6. Comments from Board of County Commissioners**
- 7. Adjourn Public Hearing**

October 3, 2016
Public Hearing

5:30 pm

**Chairman or designee call
Public Hearing to order**

October 3, 2016
Public Hearing

Item # 2

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Clerk Read Notice of
Public Hearing

NORTH CAROLINA
WARREN COUNTY

I, JANIE MILLER, Office Manager of The Warren Record, a weekly newspaper publication in the town of Warrenton, Warren County, and state of North Carolina, do so solemnly swear that a legal action entitled:

Warren County Board
of Commissioners
Public Hearing

a true copy of which is made a part of this affidavit, did appear in the said The Warren Record in the following consecutive issues:

9/21, 2016.

Janie Miller
Office Manager

Sworn to and subscribed before me this

23 day of September, 2016.

Lucille Lee Weldon
Notary Public

My commission expires: 12-6-19.

Warren County Board of Commissioners Public Hearing

Notice is hereby served that the Warren County Board of Commissioners has scheduled a public hearing to hear citizen comments regarding all matters covered by a Preliminary Assessment Resolution adopted on September 6, 2016 to make repairs to Bella Russell Road, a private road situated in Smith Creek Township, to provide safe access. The estimated cost of the road improvements project is \$55,000.

Pursuant to Article 9A, NCGS 153A-210.1 thru 210.7, and Session Law 2015-121, Senate Bill 284, counties are authorized to exercise their assessment authority to expend general funds to finance the capital costs associated with critical infrastructure improvements. The expenditure of County general funds for this project is contingent upon payment of a special assessment by the owners of properties fronting Bella Russell Road that will benefit directly from the proposed road improvements.

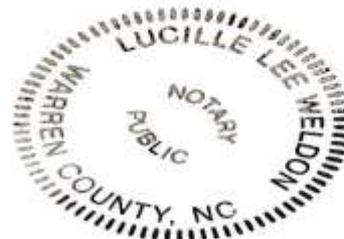
The public hearing is scheduled for Monday – October 3, 2016 at 5:30 PM and will be held in the Warren County Armory Civic Center– Commissioners Meeting Room, 501 US Hwy 158 Business, East, Warrenton, NC.

For more information, contact:

Linda T. Worth, Warren County Manager
602 W Ridgeway St, PO Box 619, Warrenton, NC 27589
(252) 257-3115 or by e-mail at lindaworth@co.warren.nc.us

All interested citizens are urged to attend this public hearing.

Barry Richardson, Chairman
Warren County Board of Commissioners



October 3, 2016
Public Hearing

Item 3

Clerk Read

Public Hearing Procedures

PUBLIC HEARING PROCEDURES

This public hearing is being held to hear citizens' comments regarding all matters covered by the Preliminary Assessment Resolution to Improve Bella Russell Road in Smith Creek Township, Warren County

RULES:

- **Please sign up to speak.**
- **The maximum time allotted to each speaker will be five (5) minutes. The Clerk to the Board will keep time.**
- **Any group of people who support or oppose the same position should designate a spokesperson.**
- **Please address only those items which might not have been addressed by a previous speaker**
- **Order and decorum will be maintained during this hearing.**
- **Two questions are permitted by each speaker.**
- **Comments are being recorded.**

*Warren County
Board of Commissioners*

October 3, 2016
Public Hearing

Item # 4

Overview of Preliminary Assessment Resolution to Improve Bella Russell Road in Smith Creek Township, Warren County

A Petition Request to Improve Bella Russell Road in Smith Creek Township, Warren County was presented during September 6, 2016 regular meeting.

Preliminary Assessment Resolution to move forward with the petition submitted by property owners residing on Bella Russell Road requesting to participate in the Warren County Roads Improvement Program was adopted.

A staff report provided information for the Board's consideration of the Preliminary Assessment Resolution. Project Estimate: \$55,000

FUNDING SOURCE: General Fund – Roads Improvement Program

Linda T. Worth, County Manager

**RESOLUTION TO APPROVE A PRELIMINARY ASSESSMENT TO MAKE NECESSARY
REPAIRS TO BELLA RUSSELL ROAD IN SMITH CREEK TOWNSHIP
TO PROVIDE SAFE ACCESS**

WHEREAS, the owners of property served by Bella Russell Road within the Russell Estates – Phase I Subdivision, Smith Creek Township, Warren County, North Carolina, have petitioned Warren County for participation in the Warren County Roads Improvement Program to have critical repairs made to their private road to provide safe access; and

WHEREAS, the owners have also petitioned Warren County to exercise its assessment authority set forth in Article 9A. Special Assessments for Critical Infrastructure Needs, NCGS 153A-210.1 through 210.7, and Session Law 2015-121, Senate Bill 284, to finance the capital costs associated with repairing Bella Russell Road to provide safe access; and

WHEREAS, the petition to Warren County includes a map of the properties and names of the property owners served by Bella Russell Road; and

WHEREAS, pursuant to NCGS 153A-210.2 and 153A-210.4, Warren County has authority to expend general funds to finance the cost of improving private roads to provide safe access; and

WHEREAS, the County's authority to expend funds for such purposes is contingent upon payment of an assessment by the owners of properties fronting said road to reimburse the County for the cost of the repairs; and

WHEREAS, there are 20 parcels of property owned by 13 property owners with frontage that is served by Bella Russell Road that would be subject to such assessment; and

WHEREAS, Warren County has estimated the cost associated with the road repairs to be \$43,500 and other related expenses (Engineering, Staff and Legal Expenses) to be \$11,500 for a total estimated cost of \$55,000 needed to make the necessary improvements to the road; and

WHEREAS, Warren County would use its best efforts to contract for the repair of the road using the lowest responsible bidder; and

WHEREAS, Warren County may only exercise its authority to pay and assess for repairs of the road if property owners representing at least 66% of the assessed value of all real property to be assessed in the subdivision sign a petition and agree to be assessed; and

WHEREAS, a signed list of all property owners who have agreed to be assessed has been given to the County; and

WHEREAS, the number of property owners who have agreed to be assessed is equal to, or in excess of sixty-six percent (66%) of all owners of properties being assessed, and also represents sixty-six percent (66%) or more of the lineal frontage of properties on the road; and

WHEREAS, the current condition of the road makes it a potential hazard to the public's safety and well-being; and

WHEREAS, the relative low cost and high likelihood of reimbursement makes this a reasonable solution that is in the public's interest; and

WHEREAS, Warren County intends to undertake the project of repairing Bella Russell road and assessing the property owners; and

WHEREAS, the necessary repairs will be made to Bella Russell Road to include but not be limited to tree removal, culvert pipe installation, ditching, applying aggregate and rip-rap stone, seeding, and erosion control; and

WHEREAS, the assessment shall be made on all properties equally that are served by Bella Russell road; and

WHEREAS, the entire amount expended by the County to repair the road including engineering design, construction costs, staff and legal expenses, and any other related expenses will be the amount specially assessed; and

WHEREAS, the proposed terms for the assessment include that payment may be made in full by the benefited property owner(s) when repairs are completed, or over a ten (10) year period at one percent (1%) annual interest.

NOW, THEREFORE, BE IT RESOLVED BY THE WARREN COUNTY BOARD OF COMMISSIONERS:

1. ACCEPT the petition from the Petitioner-Owners from the Russell Estates – Phase I Subdivision being served by Bella Russell Road; and
2. ORDER that a public hearing on all matters covered by the preliminary assessment resolution be held at the Board of County Commissioners meeting of October 3, 2016; and
3. ORDER that notice of the public hearing on all matters covered by the preliminary assessment resolution be published and mailed in accordance with the Warren County Roads Improvement Program Policies and Procedures.

Adopted this the 6th day of September 2016.

WARREN COUNTY BOARD OF COMMISSIONERS

Barry Richardson, Chairman

ATTEST:

Russell Estates – Phase I Subdivision (Bella Russell Road) Petition for Road Repair Assessment

August 29, 2016

Petition
Request to
Improve Bella
Russell Road in
Smith Creek
Township

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Summary of Proposal: Property owners from the Russell Estates – Phase I Subdivision located in Smith Creek Township have petitioned Warren County under the Warren County Roads Improvement Program for a special assessment to make critical repairs to Bella Russell Road, a .75 mile private road located within the private subdivision.

Background:

Property owners in Russell Estates – Phase I Subdivision petitioned the State of NC Department of Transportation (NC DOT) to add Bella Russell Road to the State Maintained Highway System. The petitioners were notified by Mr. Stephen Winstead, PE, Engineer, NC DOT, in a letter dated March 28, 2013 that because the land was subdivided after September 30, 1975, it could not be added to the State Maintained System as an unpaved road as it must meet additional requirements before it could be considered for addition.

Property owners in Russell Estates – Phase I Subdivision requested via petition dated August 12, 2016, submitted by Trudy Bookbinder, Contact Person, for a special assessment under the Warren County Roads Improvement Program to make improvements to Bella Russell Road which in its current state has been rated by staff as in “very bad” condition.

Pursuant to and in accordance with the authorities set forth in Article 9A.Special Assessments for Critical Infrastructure Needs, NCGS 153A-210.1 through 153A-210.7, and Session Law 2015-121, Senate Bill 284, Warren County has established the Warren County Roads Improvement Program with the stated purpose to assist property owners with making improvements to non-state-maintained roads in private subdivisions in the unincorporated areas of Warren County.

Pursuant to the foregoing NC general statutes, Warren County has authority to expend general funds to make improvements to non-state-maintained private roads. However, the County’s authority is contingent upon payment of an assessment by the property owners to reimburse the County for all expenses associated with the cost of the road repairs.

Warren County may only exercise its authority to pay for and impose a special assessment against benefited property if property owners representing at least 66% of the assessed value of all real property to be assessed in the subdivision sign and submit a petition requesting Warren County to make certain improvements to the private road. Those requirements have been met in the accompanying petition documents.

The preliminary cost estimate of the road repairs is \$43,500 and other related expenses (Engineering, Staff and Legal expenses) is \$11,500 for a total estimated cost of \$55,000. Warren County will use its best efforts to contract for the repair of the subject road using the lowest responsible bidder.

The petition materials include a map of the properties, copy of letter addressed to Ms. Trudy Bookbinder from Mr. Stephen Winstead, PE, NC DOT, dated March 28, 2013, as well as a signed list of all property owners who have agreed to be assessed.

Procedure:

If the Board of County Commissioners approves the preliminary assessment resolution, it would then be required to hold a public hearing "on all matters covered by the preliminary assessment resolution." The public hearing cannot be scheduled earlier than three (3) weeks nor later than ten weeks from the date of the adoption of the Preliminary Assessment Resolution.

Notice of the public hearing must be published in the local newspaper at least ten (10) days before the public hearing is to be held providing the facts of the Preliminary assessment Resolution and the date, time and location of the public hearing.

A copy of the preliminary assessment resolution must be mailed by first class mail to each property owner who will benefit from the road improvements at least ten (10) days prior to the public hearing. A certified statement must be filed with the Board of County Commissioners that each property owner has been mailed a copy of the Resolution along with the date mailed.

After the public hearing is held, the Board of County Commissioners shall vote to consider the adoption of the Final Assessment Resolution. Upon adoption of the Final Assessment Resolution and confirmation that sufficient funds are available in the Roads Improvement Program, the County shall commence with the project. The County shall follow the prescribed bid procedures in the NC General Statutes to secure a contractor to make the necessary improvements.

Upon completion of all improvements, staff will prepare a summary of the total project costs, including but not limited to: engineering design, construction expenses, gravel, erosion control, staff and legal expenses, and any other related expenses. Once the final project costs are determined and approved by the Board of County Commissioners, the Preliminary Assessment Roll may be prepared.

The Preliminary Assessment Roll shall be prepared and presented to the Board of County Commissioners for consideration and approval. Upon approval of the Preliminary Assessment Roll, it shall be placed on file in the office of the Clerk to the Board of County Commissioners and open for public inspection. The Preliminary Assessment Roll will also set a time for a public hearing for consideration of the Final Assessment Roll.

The Clerk to the Board of County Commissioners shall have published at least ten (10) days prior to the hearing date, a notice in the local newspaper that a Preliminary Assessment Roll has been adopted noting that the roll is on file in the Clerk's office and open for public inspection and also give the date, time and place for the public hearing. The Clerk shall also mail by first class mail a copy of the Preliminary Assessment Roll to each property owner listed on the roll. This notice shall include: the time, date and place of the public hearing; a note that the roll is on file in the Clerk's Office; and state the amount (as shown on the roll) of the assessment against each property owner. This mailing shall be completed at least ten (10) days prior to the hearing. The Clerk shall file with the Board of County Commissioners a certified statement confirming the notices were mailed to the property owners indicating the date which the notices were mailed and date of the publication.

After the Board of County Commissioners confirms the assessment roll, the Clerk shall enter the date, hour and minute of the confirmation into the Board's minutes. From the time of confirmation, each assessment becomes a lien on the real property of the owner under priorities set out in NCGS 153A-200.

After the assessment roll is confirmed, the Clerk shall send a certified copy of the Assessment Roll to the County Tax Collector for collection in the same manner as property taxes or as otherwise provided in the Warren County Roads Improvement Program Policies and Procedures.

The County Tax Collection shall publish once in the local newspaper a notice that the Assessment Roll has been confirmed. This notice shall be published no earlier than 20 days from the date the Assessment Roll is confirmed.

Evaluation:

Reasonableness and Public Interest: The current condition of Bella Russell Road makes it a potential safety hazard for the residents and emergency response vehicles traversing within the Russell Estates – Phase I Subdivision. The high likelihood of reimbursement of funds expended by the County to make the necessary repairs to the road makes this a reasonable solution that is in the public's interest.

Staff Recommendation:

Staff recommends the Board of County Commissioners pursuant to the statutory authorities referenced herein approve the attached Resolution to Approve a Preliminary Assessment to Make Necessary Repairs to Improve Bella Russell Road in Smith Creek Township, and finding it reasonable and in the public's interest to proceed with this private road improvement project.

Bella Russell Road Property Owners

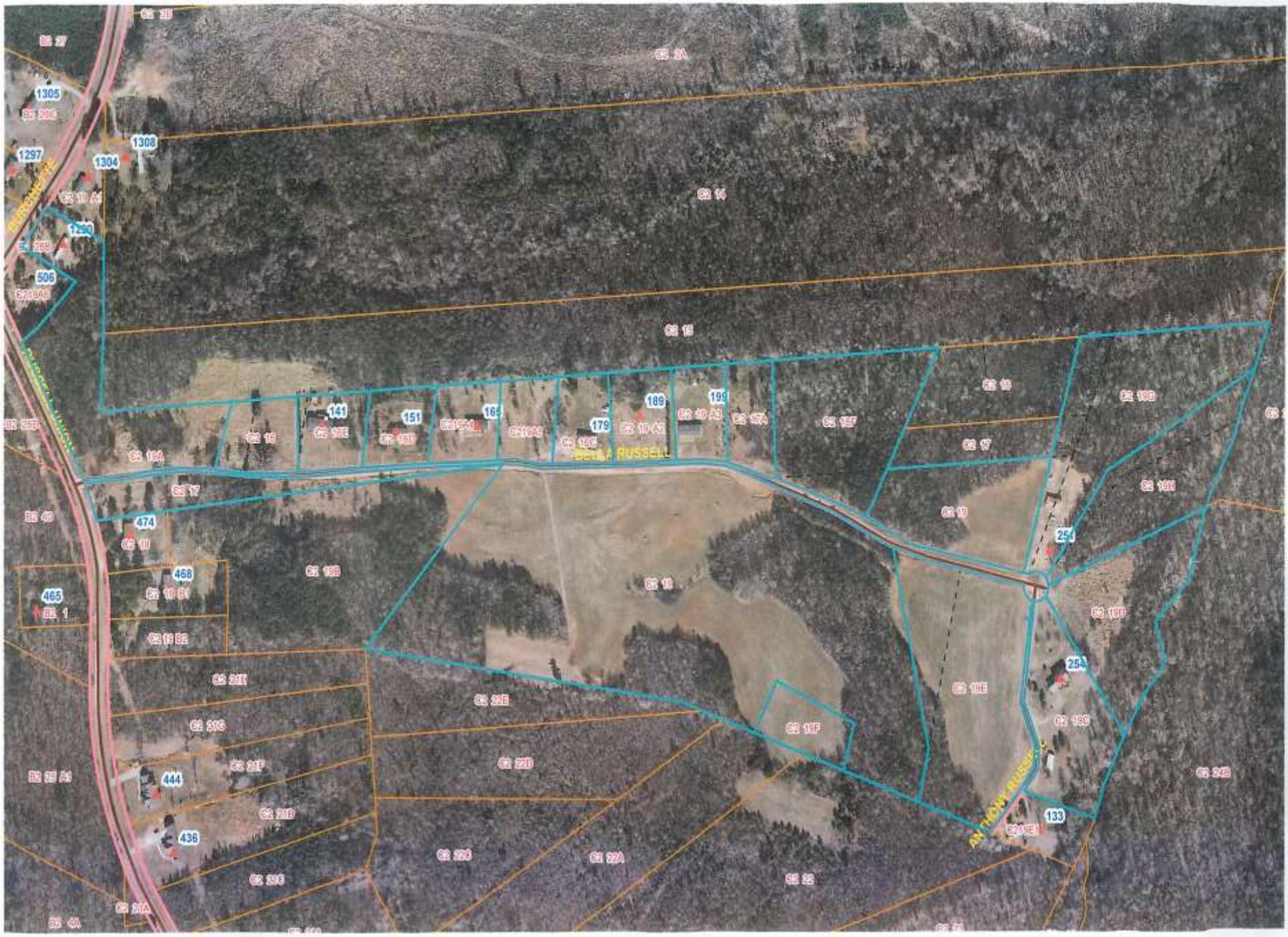
Property Owner	Number of Parcels
Richard (Deceased) & Janie Russell	4
Mary Williams	1
Sheila Crews	1
Heirs of Odessa Hunter	1
Julius Mann III	2
JP Financial	1
Lucrecia Perry	1
Trudy Bookbinder	3
Donna Harley Williams	1
Teressa Ferebee	2
SL Grant & MJ Bullock	1
Trina Russell	1
Shirley Seward	1
13 Property Owners	20

Bella Russell Road Petition and Assessment Signature Information

Petition
Request to
Improve Bella
Russell Road in
Smith Creek
Township

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Map #	Property Owner	Signed Petition	Signed Assessment
C2 19A	Richard Russell (Deceased) Signed by Janie Russell	Yes	Yes
C2 16	Richard & Janie Russell Signed by Janie Russell	Yes	Yes
C2 16E	Mary Williams	Yes	Yes
C2 16D	Sheila Crews	Yes	Yes
C2 16C	Heirs of Odessa Hunter	Yes	Yes
C2 19A4	Julius Mann III	Yes	Yes
C2 19A5	Julius Mann III	Yes	Yes
C2 19A2	JP Financial Signed by Joyce Palmer	Yes	Yes
C2 17A	Lucrecia Perry	No	No
C2 19A3	Melvin & Trudy Bookbinder Signed by Trudy Bookbinder	Yes	Yes
C2 16F	Donna Harley Williams	No	No
C2 19	Teressa Ferebee	Yes	Yes
C2 19G	SL Grant & MJ Bullock	Yes	Yes
C2 19 H	Richard & Janie Russell Signed by Janie Russell	Yes	Yes
C2 19 D	Trina Russell	Yes	Yes
C2 19C	Trudy Bookbinder	Yes	Yes
C2 19E	Trudy Bookbinder	Yes	Yes
C2 19F	Shirley Seward	Yes	Yes
C2 19	Teressa Ferebee	Yes	Yes
C2 17	Richard & Janie Russell Signed by Janie Russell	Yes	Yes



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<p>Property being improved and location, when property shown and described herein, shall be located in the subdivision jurisdiction of Smith Creek and will comply with the plan of subdivision affecting the street, including minimum building setback lines, and indicate all streets, alleys, rights-of-way and other uses and easements to which it is subject to.</p> <p>Subdivided by: <u>Richard C. Russell</u> Date: <u>11/15/99</u></p>	<p>Subdivided by: <u>Richard C. Russell</u> Date: <u>11/15/99</u></p>	<p>Subdivided by: <u>Richard C. Russell</u> Date: <u>11/15/99</u></p>	<p>Subdivided by: <u>Richard C. Russell</u> Date: <u>11/15/99</u></p>
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10 ACRE TRACT SURVEYED FOR JOSEPH R. WALKER APRIL 3, 1999

MINIMUM BUILDING SET BACK LINES
FRONT = 30
SIDE = 15
REAR = 25

NOTE: IF AT ALL CORNERS & ANGLE POINTS, REFER BY D.M.D. COMPUTATIONS

OWNER: RICHARD C. RUSSELL AT 1 BOX 109 WILSON, NC 27553 PHONE: 252-456-2167

SUBMITTED FOR: _____

TOWNSHIP: SMITH CREEK COUNTY: WASHINGTON STATE: N.C.

DATE: 11/15/99

SCALE: 1" = 40'

DRAWN BY: JAMES L. STOKES, LICENSED LAND SURVEYOR 1438
802 S. 8th St., Raleigh, NC

October 3, 2016
Public Hearing

Item # 5

Citizen Comments

October 3, 2016
Public Hearing

Item # 6

Comments
by
Board of County Commissioners

Adjourn

October 3, 2016
Public Hearing