

**Chowan County Board of Commissioners**  
**Regular Meeting**  
**Monday March 3, 2008**  
**9:00 am**  
**1767 Chowan County Courthouse**  
**117 East King Street**

The Chowan County Board of Commissioners held their regular on Monday, March3, 2008, at 9:00 am in the Panel Room of the Chowan County 1767 Courthouse, 117 East King Street.

Present: Jimmy Alligood, Bill Gardner, Kenny Goodwin, Louis Belfield, Harry Lee Winslow and Ralph Cole. Also present were County Manager, Cliff Copeland; County Attorney, Peter Rascoe and County Clerk, Susanne Stallings

Chairman Cole called the meeting to order and Commissioner Alligood offered the invocation.

**Consent Agenda**

Commissioner Belfield moved that the consent agenda be approved. Chairman Cole asked for all in favor, the motion carried unanimously (6-0).

**a. Minutes from the February 4, 2008 Regular Meeting and the January 30, 2008 Special Meeting**

**b. Budget Amendments**

4350 Inspections	increase	\$367	repair pick-up truck
4370 EMS	increase	\$31,000	EMS Tool Kit Grant
8150 TDA	increase	\$300	Civil War Tourism Grant
4930 CDBG	increase	\$390,000	07 CDBG Scattered Site Housing Grant
5311 DSS	decrease	\$139,985	Reduction in Cap Outlay postponement
	projects		
5333 DSS	increase	\$16,000	Increase in Smart Start Funding
5372	increase	\$1,000	Funding for "Share the Warmth"

**c. Tax Release**

Dixon, R.	\$135.82	SITUS- Mississippi
Evick, C.	\$116.95	Listed on Acct 31666
Wiese, J.	\$113.29	SITUS- New York

**d. Albemarle Mental Health Quarterly Fiscal Monitoring Report**

Attached is the 2<sup>nd</sup> quarter 2007-08 Quarterly Fiscal Monitoring Report for Albemarle Mental Health.

**2008 GMC Module Ambulance and associated equipment – Bid Award**

Doug Belch said that on February 4, 2008, bid packages were sent to five companies requesting bids for the above specified truck. Two bids were received on February 25<sup>th</sup> one from Northwestern Emergency Vehicles in the amount of \$113,895 and Southeastern Specialty Vehicles \$122,855. He said that he has determined that Northwestern Emergency Vehicles was

the low bidder and the bid meets all requirements set forth in the department's specifications. He recommended that the Board award the bid to Northwestern Emergency Vehicles.

Commissioner Winslow moved that the bid be awarded to Northwestern Emergency Vehicles. Chairman Cole asked for all in favor, the motion carried unanimously (6-0).

**Financing Lease/Purchase Bids and Resolution**

Finance Officer, Lisa Jones provided a summary of lease/purchase bids for the purchase of vehicles for the Sheriff's Office, Inspections Department and ambulance and related equipment for the EMS department. She said that RBC was the low bidder and recommended that RBC Centura be awarded the bid. She said a resolution authorizing the execution and delivery of an installment financing contract was attached for the Board's consideration.

Commissioner Allgood moved that the bid be awarded to RBC. Chairman Cole asked for all in favor, the motion carried unanimously (6-0).

Commissioner Winslow moved that the resolution be adopted. Chairman Cole asked for all in favor, the motion carried unanimously (6-0).

The governing body for the County of Chowan, North Carolina, held a regular meeting at the 1767 Chowan County Courthouse House, the regular place of meeting, on Monday, March 3, 2008, at 9:00 a.m.

Present: 6, Cole, Goodwin, Allgood, Belfield, Winslow, Gardner

Absent: 1, Downum

Also Present: Cliff. Copeland, Susanne Stallings

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Lisa Jones, Finance Officer introduced the following resolution:

**RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INSTALLMENT FINANCING CONTRACT IN THE AMOUNT OF \$257,000.00 WITH RBC CENTURA BANK TO FINANCE THE ACQUISITION OF CERTAIN EQUIPMENT FOR USE BY THE COUNTY OF CHOWAN, NORTH CAROLINA, AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH**

BE IT RESOLVED by the governing body for the County of Chowan, North Carolina (the Unit”):

Section 1. The governing body of the Unit does hereby find and determine:

- a) The County of Chowan proposes the acquisition of certain equipment, which may include fixtures as more fully described in the hereinafter mentioned Contract (collectively, the “Equipment”);
- b) After consideration, the governing body of the Unit has determined that the most advantageous manner of financing thereof is by an installment contract pursuant to Section 160A-20 of the General Statutes of North Carolina, as amended;
- c) Pursuant to Section 160A-20, the Unit is authorized to finance the acquisition of personal property, including fixtures, by installment contracts that create a security interest in the property financed to secure repayment of the financing; and
- d) RBC Centura Bank (“RBC Centura”) has proposed that RBC Centura enter into an Installment Financing Contract with the Unit to finance the Equipment pursuant to which RBC Centura will lend the Unit then amount of \$257,000.00

(the "Contract") and a related Escrow Agreement between the Unit and RBC Centura (the "Escrow Agreement").

Section 2. The governing body of the Unit hereby authorizes and directs the Authorized Officer, Lisa Jones, to execute, acknowledge and deliver the Contract and Escrow Agreement on behalf of the Unit in such form and substance as the person executing and delivering such instruments on behalf of the Unit shall find acceptable. The Clerk is hereby authorized to affix the official seal of the County of Chowan to the Contract and the Escrow Agreement and attest the same.

Section 3. The proper officers of the Unit are authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this Resolution and the Contract and the Escrow Agreement.

Section 4. Notwithstanding any provision of the Contract or the Escrow Agreement, no deficiency judgment may be rendered against the Unit in any action for breach of a contractual obligation under the Contract or the Escrow Agreement and the taxing power of the Unit is not and may not be pledged directly or indirectly to secure any moneys due under the Contract, the security provided under the Contract being the sole security for RBC Centura in such instance.

Section 5. The Unit covenants that, to the extent permitted by the Constitution and laws of the State of North Carolina, it will comply with the requirements of the Internal Revenue Code of 1986, as amended (the "Code") as required so that interest on the Unit's obligations under the Contract will not be included in the gross income of RBC Centura.

Section 6. The Unit hereby represents that it reasonably expects that it, all subordinate entities thereof and all entities issuing obligations on behalf of the Unit will issue in the aggregate less than \$10,000,000 of tax-exempt obligations, including the Contract (not counting private-activity bonds except for qualified 501(c)(3) bonds as defined in the Code) during calendar year 2008. In addition, the Unit hereby designates the Contract and its obligations under the Contract as a "qualified tax-exempt obligation" for the purposes of the Code.

Section 7. This Resolution shall take effect immediately upon its passage.

Upon motion of Comm Winslow, seconded by N/A, members of the governing body, the foregoing resolution entitled "**RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INSTALLMENT FINANCING CONTRACT IN THE AMOUNT OF \$257,000.00 WITH RBC CENTURA BANK TO FINANCE THE ACQUISITION OF CERTAIN EQUIPMENT, AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH**" was passed by the following vote:

Ayes: 6

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Nays: 0

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PASSED AND ADOPTED this 3<sup>rd</sup> day of March, 2008.

\* \* \* \* \*

I, Susanne Stallings, Clerk for the County of Chowan, North Carolina DO HEREBY CERTIFY that the foregoing has been carefully copied from the actually recorded minutes of the governing body of said County of Chowan at a regular meeting held on March 3, 2008, the record having been made in the minutes of said governing body, and is a true copy of so much of said minutes as relates in any way to the passage of a resolution providing for the authorization of the Installment Financing Contract referred to therein.

I DO HEREBY FURTHER CERTIFY that a schedule, stating that the regular meetings of the Council are held on 1<sup>st</sup> Monday of each month at 9:00 / 10:00 (a.m./p.m.), respectively, at 1767 Chowan Co Courthouse, <sup>Edenton</sup> North Carolina, was on file with me for at least seven calendar days prior to said meeting, all in accordance with G.S. 143-318.12.

WITNESS my hand and corporate seal of said County of Chowan, this 3<sup>rd</sup> day of March, 2008.

Susanne Stallings  
Clerk, County of Chowan

[SEAL]

Original Loan Amount: \$257,000.00  
Loan Date: March . 2008

### Mosquito Control Contracts

Ms. Jones presented a resolution for the Board's consideration that designates an official to sign papers and to represent the Board in connections with Mosquito Control.

Commissioner Belfield moved that the resolution be adopted. Chairman Cole asked for all in favor, the motion carried unanimously (6-0).

**RESOLUTION TO BE ADOPTED BY THE BOARD OF COMMISSIONERS  
DESIGNATING OFFICIAL TO SIGN PAPERS AND TO OTHERWISE REPRESENT  
THE BOARD IN CONNECTIONS WITH MOSQUITO CONTROL**

Upon motion of Commissioner Belfield,  
(Name)

seconded by N/A,  
(Name)

it is here by ordered that Lisa S. Jones,  
(Name)

as agent for Chowan County,  
(Governmental Unit)

is hereby authorized and empowered to sign and execute all papers and documents necessary in connection with the request made to the Division of Environmental Health, North Carolina Department of Environment and Natural Resources, for aid in control of mosquitoes. (S) He is further authorized and required to carry out all agreements stipulated in the project application submitted by us to the Division of Environmental Health, North Carolina Department of Environment and Natural Resources, and to perform other acts that are proper and necessary in connection with the operation of this project. Acts of said person on behalf of said

Chowan County, are in all respects validated, approved and confirmed.  
(Governmental Unit)

The undersigned Susanne Stalling,  
(Name)

clerk of the Chowan County Board of Commissioners, hereby certifies that the  
foregoing  
(Governing Unit)

is a true copy of the resolution of the  
Board of Commissioners at  
(Governing Unit)

a meeting held on the 3<sup>rd</sup> day of March, 2008.

Susanne Stalling  
Clerk

**Disaster Debris Removal Contract Extension for Year 2008**

County Attorney, Peter Rascoe presented a contract renewal with Crowder Gulf for assistance following a natural or manmade disaster. He said that the contract upon approval will be renewed through December 31, 2008 under the same terms as the previous contract.

Commissioner Goodwin moved that the contract be renewed with Crowder Gulf. Chairman Cole asked for all in favor, the motion carried unanimously (6-0).

**Joint Resolution Celebrating 100 Years of County Unity in Recognition of the NCACC Centennial**

Chairman Cole noted that the NCACC Board of Directors has requested that all 100 counties consider adoption of a joint resolution for centennial records. He said the resolution is in recognition of the NCACC centennial theme “100 Years of County Unity”.

Commissioner Alligood moved that the resolution be adopted. Chairman Cole asked for all in favor, the motion carried unanimously (6-0).

**Joint Resolution Celebrating 100 Years of County Unity in Recognition of Our Association’s Centennial**

**WHEREAS**, the North Carolina Association of County Commissioners is an advocacy and service organization made up of all one-hundred (100) North Carolina counties; and

**WHEREAS**, the active participation and engagement of all 100 counties have directed, strengthened and enhanced our Association; and

**WHEREAS**, the dedication and talents of individual county commissioners and county staff have led our Association’s success in advocacy, county-centered services and educational programs; and

**WHEREAS**, an informal agreement to form our Association was made by a handful of county commissioners who, at the behest of Craven County Commissioner C.E. Foy, met in New Bern in 1908, to discuss county issues of common interest; and

**WHEREAS**, the first session of our unofficial Association was held at the Atlantic Hotel in Morehead City on August 19, 1908, where C.E. Foy was elected as president; and

**WHEREAS**, the North Carolina General Assembly passed an act on March 8, 1909 establishing our Association on behalf of counties;

**NOW, THEREFORE BE IT RESOLVED**, that the North Carolina Association of County Commissioners and each Board of County Commissioners jointly recognize and celebrate “100 Years of County Unity” in tribute to our Association’s Centennial.

**FURTHER BE IT RESOLVED**, that the Association communicate its copy of this joint resolution to each Board of County Commissioners.

**FURTHER BE IT RESOLVED**, that the Chowan County Board of County Commissioners communicate its copy of this joint resolution to the North Carolina Association of County Commissioners.

### **Albemarle Resource Conservation and Development Council**

Mr. Rascoe noted that there were some unused funds from the Hurricane Isabel Stream Clean Up. He asked that the Board note that two of the streams in Chowan County are at Sandy Point and Morristown.

### **Ordinance Authorizing Criminal History Check**

Mr. Rascoe presented an ordinance that the State Bureau of Investigation is requiring of the County. He said that the SBI requires the County to adopt a formal procedure in the form of an ordinance in order to honor requests for potential employee background checks.

Commissioner Gardner moved that the Board adopt the ordinance. Chairman Cole asked for all in favor, the motion carried unanimously (6-0).

## **Ordinance Authorizing Criminal History Check**

This Ordinance is adopted by the Chowan County Board of Commissioners to provide a policy and procedures for conducting criminal history checks through SBI/DCI on final applicants for employment with Chowan County. This is adopted pursuant to the authority vested in Chowan County by the General Assembly of the State of North Carolina in Sections 153A-11 and 153A-12 of the North Carolina General Statutes.

1. In order to protect the citizens of the county and their properties, these procedures are established to provide for fingerprinting and criminal history checks on all final applicants for regular full and part time positions with Chowan County. Subject to 1.(D) below and to the existing Chowan County Personnel Policy, employment with the county may be denied for those persons convicted of any crime against a person, or crimes against property where intent is an element, or any drug or gambling related offense.
  - (A) The County Manager, or designee, may conduct an investigation of any final candidate for a permanent full-time or part-time position with the county government and it shall be a precondition of employment that an applicant for such a position shall, upon request, provide fingerprints and all other necessary personal identification including a birth certificate, social security number and drivers license, if available, so that the County Manager, or designee may cause a thorough search to be made of local and state criminal records to determine if the applicant has a history of criminal convictions or the crimes enumerated above by the use of the Division of Criminal Information Network (DCI).
  - (B) An evaluation of any crime for purposes of employment will take into account the nature and the circumstances of the offense and the time frame of the offense as it relates to the essential job functions or the position applied.

- (C) Prior to denial or termination of employment based upon criminal history record information (CHRI) received, the County Manager or his designee, shall verify the existence of a record by either obtaining a certified public record or by submitting a fingerprint card of the individual to the criminal information and identification section for verification that the CHRI record belongs to the individual.
  - (D) The Chowan County Sheriff's Office shall facilitate such a search and record request, and shall report all findings and CHRI received from the DCI to the County Manager or his designee.
2. If policies established by this Ordinance are held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given separate effect.
  3. Any Ordinance or other policy, or any part of an Ordinance or policy in conflict with this Ordinance, to the extent of such conflict, is hereby repealed or cancelled.
  4. This Ordinance is adopted in the interest of public health, safety and general welfare of the inhabitants of Chowan County, North Carolina, and shall be in full force and effect from and after its adoption.

ADOPTED this 3<sup>rd</sup> day of March, 2008.

**Valhalla Tower Space lease to US Coast Guard**

Mr. Rascoe said that the US Coast Guard desires to lease space on the County Tower for implementation of their Rescue 21 technology. He presented the lease agreement for the Board's consideration.

Commissioner Belfield moved that the lease agreement with the Coast Guard be accepted. Chairman Cole asked for all in favor, the motion carried unanimously (6-0).

**Public Safety Committee Report**

Commissioner Gardner said that the Public Safety Committee met Thursday and received updates on Sheriff Department Activities. He said that the transfer of involuntary commitments remains a problem with all Sheriff Departments in the region adding that a meeting between County Managers and Sheriff Departments has been scheduled to discuss this issue.

Commissioner Gardner said the Committee also received the draft of the final Fire Insurance District Study.

Doug Belch will present a summary of the report to the Board adding that a CD version of the report is available for each of the Board members to review in detail.

Commissioner Gardner requested that further dollar amounts be studied for the fire insurance study. He added that insurance rates are the issue and not response time. He commended the fire departments on a job well done.

### **Manager's Report**

County Manager, Cliff Copeland said that he is planning on having all plumbers and contractors in the County come together for an informational meeting on the new cross connects and backflow prevention policy. He noted that April 10, 2008 is the tentative date of the grand opening of the Chowan County Public Safety Center and Edenton Police Department.

### **Planning Activities**

Planner, Wes Haskett provided an update on Inspections and Planning activities.

### **Public Comment**

Chairman Cole asked for public comment, there was none.

### **Executive Session – Personnel**

Commissioner Alligood moved that the Board go into Executive Session. Chairman Cole asked for all in favor, the motion carried unanimously (6-0).

Carrie Byrum, Human Resources Manager shared that 3 applications have been received for the County Manager position.

The Board set a Special Meeting date of March 7, 2008 at 6:00 to review applications for County Manager.

Commissioner Gardner moved that the Board close the Executive Session. Chairman Cole asked for all in favor, the motion carried unanimously (6-0).

### **CDBG Americans with disabilities grievance procedure**

In the absence of Carolyn Morris, County CDBG consultant Susanne Stallings presented a form of the Americans with Disabilities Grievance Procedure for the Board's consideration. She said that this form is a requirement from DCA as part of the CDBG program.

Commissioner Alligood moved that the Board approve the form. Chairman Cole asked for all in favor.

Ayes- 4 (Cole, Alligood, Belfield, Winslow)

No- 2 (Goodwin and Gardner).

## **CHOWAN COUNTY**

### **AMERICANS WITH DISABILITIES GRIEVANCE PROCEDURE**

#### **07-C-1655**

Section 504 of the Americans with Disabilities Act, provides that no person shall be excluded from participation in or denied the benefits of programs, services, or activities of a local government, nor be

subjected to discrimination by any local government on the basis of a disability. Local governments must make reasonable accommodations to the known physical or mental limitations. An individual with disabilities is defined as someone with a physical or mental impairment substantially limiting at least one or more of the “major life activities”, (i.e. walking, talking, hearing, seeing, breathing, etc.).

In an effort to promote and to ensure that Americans with disabilities are not excluded from participating in or enjoying the benefits of programs, services, and activities of the County, Chowan County establishes the following procedures for receiving, processing, and resolving grievances by or on behalf of disabled persons and employees.

- A. Any person, persons or employees wishing to file a grievance concerning the accommodations being made by Chowan County regarding persons or employees with physical or mental limitations may do so by filing a grievance form with the Chowan County Human Resource Manager and completing a written statement describing the circumstances of the lack of accommodation and expected resolution or remedy. Every effort will be made to resolve the issue at the local level.
- B. Upon receiving the grievance, the Human Resource Manager shall review the complaint with the Chowan County Manager to examine what accommodations are currently in place, to determine if the complaint is necessary. The County Manager and the Human Resource Manager shall present the complaint and their findings and recommendations to the Personnel Committee of the Chowan County Board of Commissioners. The Personnel Committee shall make their determination as to the validity of the complaint and what reasonable accommodations, if any, should be made, and submit its recommendations to the County Board of Commissioners for Board action.
- C. The Human Resource Manager will notify the complainant of the Board’s Action in regard to the filed grievance. The complainant shall be notified of the Board’s decision within thirty (30) days of filing the grievance.
- D. If the complainant is dissatisfied with the Board’s decision he/she may petition to personally appear before the County Board of Commissioners.

E. ADA Discrimination Complaints Contact:

Name:	Carrie Byrum, Human Resource Manager Chowan County
Address:	P.O. Box 1030 Edenton, NC 27932
Telephone:	(252) 482-8431
TDD#	1-800-735-2962

Adopted the 3rd day of March 2008.

There being no further business before the Board, the meeting was adjourned.

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Ralph Cole  
Chairman

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L. Susanne Stallings  
Clerk to the Board

(SEAL)