

Regular Meeting  
Monday September 14, 2009  
**6:00 pm**  
**Chowan County Public Safety Center**  
**305 West Freemason Street**

**MINUTES**

The Chowan County Board of Commissioners held their regular meeting on Monday, September 14, 2009, at 6:00 pm in the lobby of the Chowan County Public Safety Center, 305 West Freemason Street.

Present, Chairman Eddy Goodwin, Vice Chairman Emmett Winborne, Commissioner Jimmy Alligood, Commissioner Louis Belfield, Commissioner Kenny Goodwin, Commissioner Ralph Cole and Commissioner Keith Nixon. Staff Present: County Manager Peter Rascoe, Finance Officer Lisa Jones and Clerk to the Board Susanne Stallings.

Chairman Eddy Goodwin called the meeting to order and led the group in the pledge.

Commissioner Cole then offered the invocation.

**Public Comment**

Chairman Goodwin then opened the floor to public comment in accordance with NCGS 153A-52.1. (there was none).

Frances Layden, 3027 Rocky Hock Rd. Edenton questioned Angela Toppin's demotion in the EMS Department, she asked the Board to look Angela's personnel file, and stated her displeasure with the Board and Management not looking into the matter.

Jim Elliott, 241 Country Club Drive spoke in support of the current Economic Development Board. He asked the Board to look at the benefits of the ECDC and provided the annual report of ECDC to the Board (a copy is in the meeting file labeled Sept 14, 2009). He implored the Board to come back to the table and continue to fund Economic Development.

Commissioner Nixon noted that two commissioners have a meeting scheduled to meet with two Town Councilmen to discuss Economic Development.

Chairman Eddy Goodwin said he would be meeting with Town Officials to obtain information on Economic Development. He added that to date his questions have not been satisfied and he hoped to get more information from the meeting.

Mr. Elliott stated he felt ECDC has done great things for Chowan County and stated the Board should not hold ECDC accountable for the actions of the previous County Manager. He stated he felt the County should work with the Town and the ECDC Board.

**Consent Agenda**

Chairman Goodwin then presented the consent agenda.

**a. Tax Release and Collector’s Report for Month of August**

Autom. Stamping	\$1,167.43	Penalty error
Bass, C.	\$179.00	Vehicle Sold
Black, W.	\$465.09	Value Adjustment
Bush Leas. Trust	\$179.00	SITUS – Perquimans Co.
Dowd, J.	\$117.90	Vehicle Sold
Horiz. Gls.	\$116.03	Vehicle Sold
Keel, J.	\$213.00	SITUS – Dare Co.
Madigan, T.	\$289.07	Vehicle Sold
Rice, J.	\$133.59	SITUS - Car Sent to Yugoslavia
Timm. Hldgs.	\$331.17	Penalty error
White, N.	\$150.17	Value adjustment
Levisy, J.	\$465.65	Incorrect sq. ftg. on house

Mr. Rascoe gave details of the Tax Collector’s report and added that the report will now be included in the consent agenda unless there is an item that needs to be discussed in detail.

**Minutes**

Minutes of the July 6, 2009 Regular Meeting, July 30, 2009 Finance Committee meeting, August 3, 2009 Regular Meeting and August 31, 2009 Special Meeting

Clerk to the Board, Susanne Stallings detailed a correction in the minutes and noted that the Executive Session minutes of July 30, 2009 would be approved in October.

Being no further discussion, Commissioner Allgood moved that the Board approve items 3 (A&B) of the consent agenda with corrections. Chairman Eddy Goodwin asked for all in favor, the motion carried unanimously (7-0).

**b. BUDGET AMENDMENTS**

Chairman Eddy Goodwin asked for questions or comments on any of the budget amendments, presented.

Commissioner Nixon asked to pull out BA-0910-55 for discussion and BT-0910-03.

Mr. Rascoe noted that BA-0910-56 would need to be deleted as it was a duplicate.

Chairman Eddy Goodwin asked or BA-0910-44 to be pulled for discussion.

**BA-0910-35**

3414	Tax	\$20,000	Increase revenue from tax overpayments
4140	Tax	\$20,000	Increase expense to refund tax overpayments

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**BA-0910-36**

3418	Deeds	\$24,000	Increase revenue from conveyance tax collected at Register of Deeds Office
4180	Deeds	\$24,000	Increase expense for remittance of conveyance tax to NC Dept of Revenue per NCGS 105-228.30(b)

(This was handled as a liability account and should be a revenue/expense per auditor recommendation)

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**BA-0910-37**

3418	Deeds	\$ 7,200	Increase revenue from floodplain mapping fees collected per NCGS 161-10(a)
4180	Deeds	\$ 7,200	Increase expense to remit floodplain mapping fees to NC Dept of Crime Control & Public Safety per NCGS 161-11.3

(This was handled as a liability account and should be a revenue/expense per auditor recommendation)

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**BA-0910-38**

3616	Sr Cntr	\$ 8,000	Increase revenue for donations to enhance home delivered meals program
4268	Sr Cntr	\$ 8,000	Increase expense to Albemarle Commission to cover invoices for expanded home delivered meals program

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**BA-0910-39**

3431	Sheriff	\$10,000	Increase revenue for Sheriff Dept executions
4316	Sheriff	\$10,000	Increase expense to disburse executions to Clerk of Court

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**BA-0910-40**

3839	Insp/Plan	\$ 5,433	Decrease revenue from Town of Edenton for reduction in contribution needed for inspections/planning operations due to reduction in expenses
4350	Insp/Plan	\$ 5,433	Decrease expense for salary due to resignation of part-time planner 8/13/09

(Remainder of savings (\$10,090) will be transferred to General Fund Reserve line item)

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**BA-0910-41**

3495	Ag Ext	\$ 407	Increase revenue for Dept of Insurance grant (100% grant-no matching funds required)
4950	Ag Ext	\$ 407	Increase expense of Senior Health Insurance Information Program (SHIIP) for supplies & materials needed for education of senior population on Medicare Part D options

(Grant carryover, originally approved 12/1/08)

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**BA-0910-42**

3495	Ag Ext	\$ 628	Increase revenue for Chowan Hospital Foundation grant for Expanded Foods & Nutrition Education Program (EFNEP)-(100% grant-no matching funds required)
4952	Ag Ext	\$ 628	Increase expense for supplies & materials needed for nutrition education program expenses

(Grant carryover-originally approved 12/12/07)

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**BA-0910-43**

3531	DSS	\$38,151	Decrease revenue due to State reduction in Smart Start Day Care funding
5333	DSS	\$38,151	Decrease expense to match State allocation for Smart Start Day Care expenses

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**BA-0910-45**

3414	Fire	\$ 1,000	Increase revenue from tax overpayments
4340	Fire	\$ 1,000	Increase expense to refund tax overpayments

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**BA-0910-46**

3815	TDA	\$ 100	Increase fund balance appropriated for revenue collections for FY 08/09 for Music & Water Festival
8150	TDA	\$ 100	Increase expenses incurred for Music & Water Festival

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**BA-0910-47**

3839	Water	\$10,000	Increase miscellaneous revenue for convenience fees collected for automated system accepting debit & credit card payments on utility collections
7120	Water	\$10,000	Increase expense to disburse convenience fees collected on utility payments to vendor providing service

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**BA-0910-48**

3471	Solid Waste	\$ 8,000	Increase revenue for solid waste disposal tax received from NC Dept of Revenue
4710	Solid Waste	\$ 8,000	Increase expense to contribution to reserve for additional revenue to be received to enhance Recycling efforts

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**BA-1910-49**

3414	Town Tax	\$ 1,000	Increase revenue from tax overpayments
4140	Town Tax	\$ 1,000	Increase expense to refund tax overpayments for town collections

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**BA-0910-50**

3471	Solid Waste	\$11,486	Increase revenue from scrap tire grant received 8/20/09
4710	Solid Waste	\$11,486	Increase expense to disburse scrap tire grant to solid waste authority per agreement.

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**BA-0910-51**

3531	DSS	\$ 9,000	Increase revenue for special adoption funding allocation (100% allocation – no match required)
5321	DSS	\$ 9,000	Increase expense for adoption awareness expenses and adoption services

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**BA-0910-52**

3523	JCPC	\$ 1,000	Increase revenue for Dept of Juvenile Justice funding for the Juvenile Crime Prevention Council/Chowan County Interagency Council for administrative expenses, registration & workshop expense, local training & meeting expense and public awareness activities (100% funding – no match required)
5230	JCPC	\$ 1,000	Increase expenditures for JCPC Council expenses

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**BA-0910-53**

3531	DSS	\$ 3,600	Increase revenue for Work First Functional Assessment funding (100% Federal funds – no match required)
5374	DSS	\$ 3,600	Increase expense for Work First Functional Assessment expenses

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**BA-0910-54**

3432	Jail	\$15,000	Decrease revenue for State Jail Fees for loss of revenue from State budget cuts
4320	Jail	\$15,000	Decrease expense for housing inmates out of county

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**BA-0910-57**

3431	Sheriff	\$ 1,500	Increase revenue for donations from Community Foundation for Project Lifesaver Program
4310	Sheriff	\$ 1,500	Increase expense for Project Lifesaver program expenses

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**BA-0910-58**

3500	DSS	\$ 7,735	Increase revenue from NC Dept of Transportation for RGP, EDTAP and Work First Transportation grants
5352	DSS	\$ 7,735	Increase expense to ITS for operation of multi-county transportation system for RGP, EDTAP and Work First transportation costs for eligible clients

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**BA-0910-59**

3431	Sheriff	\$10,000	Increase revenue from Federal drug seizures funds
4317	Sheriff	\$10,000	Increase expense for undercover drug purchases and surveillance equipment

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**BA-0910-60**

3433	Emer Mngmt	\$15,000	Increase revenue from NC Dept of Crime Control & Public Safety grant for Hazard Mitigation Plan update (75% Grant – 25% local match required to be shared by Chowan County and the Town of Edenton)
		<u>\$ 1,650</u>	Increase contribution from the Town of Edenton per notice
4330	Emer Mngmt	\$16,650	Increase expense for Hazard Mitigation Plan update (\$3,350 has been transferred from Emergency Management appropriation for County local match)

Being no further discussion on the above Budget Amendments, Commissioner Allgood moved that the Board accept the budget amendments (above) as presented. Chairman Eddy Goodwin asked for all in favor, the motion carried unanimously (7-0).

**Budget Amendments/Transfers for individual discussion**

Chairman Eddy Goodwin asked for more information on the following budget amendment:

**BA-0910-44**

3531	DSS	\$15,633	Increase revenue due to State increase for CRISIS funding
5372	DSS	\$15,633	Increase expense to match State allocation for CRISIS expenses

Mr. Rascoe stated the revenues increased because the State has allocated more money to the County.

Kim Goodwin of DSS, said this is non-matching money from the State and the allocations from the State will be released in increments throughout the year.

Being no further discussion, Chairman Eddy Goodwin passed the gavel to Vice Chairman Winborne and moved that the Board approve the BA0910-44 as presented. Vice Chairman Winborne asked for all in favor, the motion carried unanimously (7-0).

BA-0910-55

Mr. Rascoe noted this was a result of the bill passed in the General Assembly to reduce the revenue from Beer/Wine revenue.

Commissioner Nixon recommended that the following budget amendment be changed to reflect monies used in Contingency fund.

(as presented)

**BA-0910-55**

3322	Beer & Wine	\$26,000	Decrease revenue from Beer & Wine revenue tax distribution reduced due to State budget cuts
9841	Contributions	\$26,000	Decrease contribution to General Fund Reserve

(recommended revision)

**BA-0910-55**

3322	Beer & Wine	\$26,000	Decrease revenue from Beer & Wine revenue tax distribution reduced due to State budget cuts
9900	Contingency	\$26,000	Decrease contribution to Contingency line

Mr. Rascoe stated that the current contingency fund is \$46,000 this revision will leave \$20,000.

Commissioner Nixon said BA-0910-40 will put savings back in the General Fund. He said he wanted to build contingency and it will be around \$30,000 with the budget amendments.

Mr. Rascoe noted the auditor has recommended consolidation of the contingency and reserve funds.

Commissioner Nixon said he wants to leave the contingency fund to use for unforeseen expenses and allow the general fund reserve to grow.

Ms. Jones noted the limit for the contingency cannot be more than 5% of the total budget.

Commissioner Nixon moved to approve BA-0910-55 as amended. Vice Chairman Winborne asked for all in favor, the motion passed (6-1 Belfield).

Commissioner Nixon recommended that the following budget amendment be changed to reflect monies used in Contingency fund.

(as presented)

**BT-0910-03**

4350	Inspec/Plan	\$10,090	Decrease salary & FICA expense for savings realized from resignation of part-time planner
9841	Contributions	\$10,090	Increase contribution to General Fund Reserve for cost savings

(recommended revision)

**BT-0910-03**

4350	Inspec/Plan	\$10,090	Decrease salary & FICA expense for savings realized from resignation of part-time planner
9900	Contingency	\$10,090	Increase contribution to Contingency for cost savings

Being no further discussion, Vice Chairman Winborne asked for all in favor, the motion carried unanimously (7-0).

**Pandemic H1N1 2009 – Planning**

Jerry Parks, Director of Albemarle Regional Health Services presented the Board with a presentation on the planning for H1N1(Swine Flu) 2009. He stated that H1N1 is requiring a separate vacation than the regular seasonal flu. He provided information on hand washing, school vaccinations and cough etiquette. He noted that sick employees are encouraged to stay home until they have been able to go 24 hours with no fever. He stated vaccinations for H1N1 should be available in October and the priority for vaccinations will be pregnant women, children 6 months old to 24 years old, care givers and emergency workers. He said the vaccine for the H1N1 will be free.

Commissioner Cole asked if a recommendation has been made for school closings.

Allen Smith, Superintendant of Chowan County Schools said hand washing stations are located throughout the schools. He said that schools will not close unless there is an epidemic where there are not enough faculty to cover the classrooms.

Mr. Parks noted that Tami flu and Relenza have been successful in lessening the side effects of H1N1. He added that there is a good supply of these medications in Chowan County.

**Public Hearing – Voluntary Agricultural Districts Ordinance**

Extension Director, Heather Lifsey presented the Chowan County Voluntary Agricultural Districts Ordinance for the Board's consideration. She stated the purpose of the ordinance is to preserve and protect farm land. She added this ordinance will notify new residents of the County when they are purchasing land in or around an agricultural district. She said that these ordinances are becoming increasingly popular because of increased conflict when new neighbors to an area move in and are not aware of the chemicals, traffic and other effects of agricultural uses. She said this ordinance along with posting a sign at the farm is a means of protection for the farmer. She shared examples of signage and maps that are currently in use in other counties with the ordinance.

Chairman Eddy Goodwin asked for any Board questions.

Commissioner Alligood asked if the use changed was the district binding.

Ms. Lifsey said this is totally voluntary for the farmers and they can pull their farm out anytime.

Commissioner Belfield asked for clarification on the 10 year for development.

Ms. Lifsey said that under the Ordinance, a participant is not allowed to develop more than 4 lots within 10 years, however, the program is voluntary and the farm can be taken off the program.

Chairman Eddy Goodwin said he hoped that the program would always be voluntary and shared his concerns about the costs of signage for the farmer.

Commissioner Winborne said he supported the ordinance and the program.

Ms. Lifsey said the signage purchased for the Northampton County Districts were approximately \$15 per sign.

Commissioner Nixon asked if the Districts include livestock operations.

Ms. Lifsey said yes.

Chairman Eddy Goodwin opened the floor to the Public Hearing.

Ed Britt, Mulberry Hill resident said he could see the benefit of the ordinance from a farmer's prospective and acknowledged that farmers should have rights.

Being no further public comment, Chairman Eddy Goodwin closed the floor. Commissioner Belfield moved that the Board adopt the Ordinance as presented.

Commissioner Nixon noted that the Planning and Enterprise Committee recommended approval of the Ordinance to the full Board at their August meeting.

The motion passed unanimously (7-0).

CHOWAN COUNTY  
VOLUNTARY AGRICULTURAL DISTRICT ORDINANCE

ARTICLE I  
TITLE

An ordinance of the Board of County Commissioners of Chowan County, North Carolina, entitled, "VOLUNTARY AGRICULTURAL DISTRICT ORDINANCE."

ARTICLE II  
AUTHORITY

The articles and sections of this program are adopted pursuant to authority conferred by the N.C.G.S. Sections 106-735 through 106-743, Chapter 153A, and other applicable law.

### ARTICLE III PURPOSE

The purpose of this ordinance is to promote the preservation of farmland in Chowan County so that development and growth will be accompanied by protection of farms from non-farm development and other negative impacts on properly managed farms, recognizing the importance of agriculture to the economic and cultural life of the county.

This ordinance establishes a Voluntary Agricultural District Program that has the following benefits for participating farms and other county residents:

The program preserves and maintains agricultural areas within the county.

The program informs non-farming neighbors and potential land purchasers that the participating farm may emit noise, dust, smells, etc. This may help avoid conflicts between neighbors.

Landowner participation in the program is voluntary and the landowner may terminate his/her participation at any time.

The program conserves green space and natural resources as the county's population and development expands.

The program maintains opportunities to produce locally grown food and fiber.

### ARTICLE IV DEFINITIONS

The following are defined for purposes of this ordinance:

Advisory Board: Chowan County Agricultural Advisory Board.

Chairperson: Chairperson of the Chowan County Agricultural Advisory Board.

District: Voluntary Agricultural District as established by this ordinance.

Board of Commissioners: Chowan County Board of Commissioners.

### ARTICLE V AGRICULTURAL ADVISORY BOARD

A. Creation

The Board of Commissioners hereby establishes the Chowan County Agricultural Advisory Board to implement the provisions of this ordinance.

B. Appointments and Memberships

The Advisory Board shall consist of no less than seven (7) members appointed by the Board of Commissioners.

Requirements

1. Each Advisory Board member shall be a Chowan County resident or landowner.
2. At least six (6) of the members shall be actively engaged in farming or own qualifying farmland in Chowan County.
3. The members actively engaged in farming, as well as other members, shall be selected for appointment by the Board of Commissioners from the names of individuals submitted to the Board of Commissioners by the Chowan County Soil and Water Conservation District, the county office of the North Carolina Cooperative Extension Service, the U.S. Farm Service Agency, Chowan County Farm Bureau, and any other agricultural-related individual or group.
4. Each of the four (4) districts established in Article VI shall be represented on the Board by a person owning farmland in the district.
5. The remaining three (3) members of the Board shall be appointed at-large by the Board of Commissioners to represent a broad range of agricultural interests. One (1) of these members shall be a member of the Board of Commissioners.

C. Tenure

1. The initial board is to consist of two (2) appointees for terms of one year; two (2) appointees for terms of two years; and three (3) appointees for terms of three years. Thereafter, all appointments are to be for terms of three (3) years, with reappointment permitted.
2. Terms of appointment shall be staggered so that no more than three (3) members' appointments expire annually.
3. Following the initial staggered appointments, all members shall be eligible to serve a maximum of two (2) consecutive terms. Former members may be reappointed.
4. Individuals initially appointed to terms of less than three (3) years in establishment of the staggered term rotation shall be eligible for reappointment so as to serve two full terms in addition to the initial term of less than three (3) years.

D. Vacancies

Any vacancy on the Advisory Board is to be filled, from recommendations of the groups referenced in Article V, Section B, by the Board of Commissioners for the remainder of the unexpired term.

E. Removal

Any member of the Advisory Board may be removed by a unanimous vote of the Board of Commissioners for the remainder of the unexpired term.

F. Funding

The Board of Commissioners shall fix the per diem compensation, if any, of the members of the Advisory Board and funds shall be appropriated to the Advisory Board to perform its duties.

G. Advisory Board Procedure

1. Advisory Board Year

The Advisory Board shall use the Chowan County fiscal year as its meeting year.

2. Officers

The Advisory Board shall elect a Chairperson and Vice-Chairperson each year at its first meeting of the fiscal year. The Chairperson shall preside over all regular or special meetings of the Advisory Board. In the absence or disability of the Chairperson, the Vice-Chairman shall preside and exercise all powers of the Chairperson. Additional officers may be elected as needed.

3. Jurisdiction

The Advisory Board may adopt rules of procedure not inconsistent with this ordinance or with other provisions of State law.

4. Meetings

Meetings of the Advisory Board shall be held at least annually and otherwise at the call of the Chairperson and at such other times as the Advisory Board may specify in its rules of procedure or upon the request of at least a majority of the Advisory Board membership. Notice of all meetings shall be made to the members in writing, unless otherwise agreed to by all Advisory Board members. Meetings shall be open to the public. Meeting dates and times shall be posted as far in advance as possible on the door of the meeting site and by advertisement in local newspapers or by other means of public dissemination of the meeting dates as may be agreed upon by at least a majority of the Advisory Board Membership. All meetings shall be conducted in accord with the current Roberts Rules of Order.

5. Majority Vote

All issues shall be decided by a majority vote of the members of the Advisory Board present, except as otherwise stated herein. A quorum is defined as at least two-thirds of the members in attendance. No business may be conducted by the Advisory Board without a quorum present.

6. Records

The Advisory Board shall keep minutes of the proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Advisory Board and shall be public record.

7. Administrative

The Advisory Board shall work through the Chowan County office of the North Carolina Cooperative Extension Service for record keeping, correspondence, application procedures under this ordinance, and whatever service the Board needs to complete its duties.

H. Duties

The Advisory Board shall:

1. Review and approve or disapprove applications of landowners for enrollment of qualified farmland, horticultural land or forestland in voluntary agricultural districts;
2. Make recommendations concerning the establishment and modification of agricultural districts;
3. Conduct public hearings;
4. Advise the Board of Commissioners on projects, programs, or issues affecting the agricultural economy and agricultural, horticultural or forestry activities within the county that will affect agricultural districts;
5. Review and make recommendations concerning any ordinance amendment adopted or proposed for adoption under this ordinance;
6. Prepare a draft of the report required by G.S. 106-743 giving the status, progress and activities of the county's farmland preservation program;
7. Perform other agricultural, horticultural or forestry-related tasks or duties assigned by the Board of Commissioners or applicable law.
8. Study additional methods of protection for farming, horticulture, forestry and the attendant land base, and make recommendations to the Board of Commissioners; and
9. Develop a draft countywide farmland protection plan as defined in N.C.G.S. 106-744 (e) for presentation to the Board of Commissioners.

ARTICLE VI

CREATION OF VOLUNTARY AGRICULTURAL DISTRICTS

A. Districts

Four (4) districts are hereby established based on County townships:

1. Edenton
2. Rocky Hock
3. Wardville
4. Yeopim

B. Creation

An agricultural district created pursuant to this Ordinance may contain qualifying farms:

1. Consisting of at least ten (10) contiguous acres of certified qualifying farmland; OR

2. All enrolled land within one (1) of the districts established in A, above, shall be part of a single district.
3. If a qualifying farm falls into two (2) or more districts, it shall participate in the district in the region where the majority of acreage falls.

#### C. Education

The County may take such action as it deems appropriate through the Advisory Board or other entities or individuals to encourage the formation of the Districts and to further their purposes and objectives, including the implementation of public information programs to reasonably inform landowners of the agricultural district program.

### ARTICLE VII CERTIFICATION AND QUALIFICATION OF FARMLAND

In order for farmland to qualify under this Article, it must be real property that:

- A. Is participating in the farm present-use-value taxation program established by G.S. 105-277.2 through 105-277.7, or is otherwise determined by the county to meet all the qualifications of this program set forth in G.S. 105-277.3; and
- B. Must be managed, if highly erodible land exists on the farm, in accordance with the Natural Resource Conservation Service defined erosion-control practices that are addressed to said highly-erodible land; and
- C. Be the subject of a conservation agreement, as defined in G.S. 121-35, between Chowan County and the owner of such land that prohibits non-farm use or development of such land for a period of at least ten (10) years, except for the creation of not more than four (4) lots that meet applicable Chowan County zoning and subdivision regulations. The property owner may voluntarily revoke this conservation agreement by submitting a written request to the Board in accordance with Article IX; and
- D. Be located in the unincorporated area of Chowan County.

### ARTICLE VIII APPLICATION, APPROVAL, AND APPEAL PROCEDURE

#### A. Application Procedure

A landowner may apply to participate in the program by making application to the Advisory Board or the Chowan County office of the North Carolina Cooperative Extension Service. The application shall be on forms provided by the Board. For a farmland owner to receive the benefits provided by this ordinance, the farm must be certified as qualifying farmland by the Advisory Board and complete all procedures outlined in Article VIII, Section B.

#### B. Approval Process

1. Upon receipt of an application, the Chowan County office of the North Carolina Cooperative Extension Service will review each application for completeness.
2. A checklist shall be attached and the Chowan County Soil and Water Conservation District shall review within fifteen (15) days for certification pursuant to Article VII.
3. The Chowan County Soil and Water Conservation District shall return the application to the Extension Office, who will then forward the application to the Chowan County Tax Department.
4. The Chowan County Tax Department shall review the application within fifteen (15) days and return application to the Chowan County office of the North Carolina Cooperative Extension Service.
5. The Chowan County office of the North Carolina Cooperative Extension Service shall forward the application to Advisory Board.
6. Within sixty (60) days, the Advisory Board will meet and render approval or disapproval of the application. Applicant shall be notified of the board's decision by letter within fifteen (15) days.
7. Upon approval, Applicant must execute the Conservation Agreement and record it at the Chowan County Register of Deeds.
8. The Extension Office will forward approved applications to the Chowan County Tax Department/Land Records office for inclusion on maps.

#### C. Appeal

If an application is denied by the Advisory Board, the landowner may, within ten (10) days of notification of disapproval of the application, request in writing that the Advisory Board reconsider its decision. The request for reconsideration shall state the reason(s) therefore. Upon either an initial denial, if no request for reconsideration was made, or denial after reconsideration, the landowner shall have thirty (30) days from the date of notification to appeal the decision to the Board of Commissioners. Such appeal shall be presented in writing. The decision of the Board of Commissioners is final.

- D. The Agricultural Advisory Board may make exceptions on an individual farm basis for a farm that does not meet the requirements of present use valuation, due to ownership being a publicly held corporation, based on the farms importance in maintaining agriculture production in Chowan County.

### ARTICLE IX

#### REVOCATION, ENFORCEMENT AND RENEWAL OF CONSERVATION AGREEMENT

##### A. Revocation and Enforcement

1. By providing thirty (30) days advance written notice to the Advisory Board, a landowner of qualifying farmland within a Voluntary Agricultural District may revoke the Conservation Agreement. The Advisory Board may revoke the same Conservation Agreement based on noncompliance by the landowner, subject to the same provisions as contained in Article VIII(C) for appeal of denials. Such revocation shall result in loss of qualifying farm status and loss of eligibility to participate in a district. Absent noncompliance by the landowner, neither the Advisory Board nor the Board of Commissioners shall revoke any Conservation Agreement prior to its expiration. If the Advisory Board shall revoke this Conservation Agreement for cause, the landowner shall have the appeal rights set forth in Article VIII(C).

2. Transfers of land in a Voluntary Agricultural District due to death of the landowner, sale or gift shall not revoke the Conservation Agreement unless the land no longer qualifies for the present-use-value taxation program or, in the event that there are water or sewer assessments held in abeyance, the new owner(s) fails to agree in writing to accept liability for those assessments in the event that the land is withdrawn either voluntarily or involuntarily from the district.
3. Enforcement of the terms of a Conservation Agreement for land enrolled in a Voluntary Agricultural District shall be limited to revocation of the Conservation Agreement and the benefits derived there from.

#### B. Renewal

1. A Conservation Agreement for land within a Voluntary Agricultural District shall be automatically renewed after the ten year Conservation Agreement has expired unless the landowner provides 30 day written notice to the Advisory Board of intent not to renew. Absent noncompliance by the landowner, neither the Advisory Board nor the Board of Commissioners shall fail to renew any Conservation Agreement unless this Ordinance or its authorizing legislation has been repealed.

### ARTICLE X NOTIFICATION

#### A. Record Notice of Proximity to Voluntary Agricultural District

##### 1. Maps

Upon establishment, Voluntary Agricultural Districts will be marked on official maps maintained by the Advisory Board and displayed for public view in the following county offices:

- a. Register of Deeds
- b. Planning/Inspections Department
- c. Natural Resource Conservation Service/ Soil and Water Conservation
- d. North Carolina Cooperative Extension
- e. Any other office deemed necessary by the Advisory Board

##### 2. Posting of Notice

The following notice, of a size and form suitable for posting, shall be posted in the office of the Register of Deeds, Planning Department, and any other office or agency the Advisory Board necessary:

“Notice to Real Estate Purchasers in Chowan County”

“Chowan County has established agricultural districts to protect and preserve agricultural lands and activities. These districts have been developed and mapped by the county to inform all purchasers of real property that certain agricultural and forestry activities, including but not limited to pesticide spraying, manure spreading, machinery and truck operations, livestock operations, sawing, and other common farming activities may occur in these districts any time during the day or night. Maps and information on the location and establishment of these districts can be obtained from North Carolina Cooperative Extension,

the county Planning/Inspections Department, Register of Deeds, or Natural Resource Conservation Service office.”

3. Computerized Land Records

Upon certification of qualifying farmland and designation of real property as a District, the Chowan County Tax Office/Land Records, in cooperation with the Register of Deeds, shall provide some form of notice reasonably calculated to alert a person researching the title (including outstanding taxes and assessments) of a particular tract that such tract is located within one mile of a qualifying farm.

4. Building Permit Registration

Persons applying for a building permit shall be required to sign the following statement, which shall be maintained at the office of the Advisory Board:

“I have reviewed the most current Chowan County Agriculture Districting map found in the Building Inspection office. I understand that activities such as pesticide spraying, manure spreading, machinery operation, livestock operations, logging, and other common farming and forestry activities may occur at any time in these areas.”

These statements shall be on file in the office of the Advisory Board.

5. Limit of Liability

In no event shall the County or any of its officers, employees, members of the Advisory Board, or agents be held liable in damages for any misfeasance, malfeasance, or nonfeasance occurring in good faith in connection with the duties or obligations imposed by this ordinance.

6. No Cause of Action

In no event shall any cause of action arise out of the failure of a person researching the title of a particular tract to report to any person the proximity of the tract to a qualifying farm or Voluntary Agricultural District as defined in this ordinance.

7. Signage

Signs identifying approved Voluntary Agricultural Districts may be placed along the rights-of-way of major roads that pass through or next to those districts. There shall also be at least one sign approved by the Advisory Board posted on each qualifying farm. Placement of signs will be coordinated with the North Carolina Department of Transportation.

B. Subdivision Ordinance and Zoning Ordinance Review

Developers of major subdivisions or planned unit developments, as defined by the Chowan County subdivision ordinance, shall enter on the face of the preliminary and final plat a certification attesting to their understanding that the subdivision is located within a Voluntary Agricultural District. If adjoining property is enrolled in the VAD program, it should be designated so in the property description on the plat.

ARTICLE XI

WAIVER OF WATER AND SEWER ASSESSMENTS

A. No Connection Required

A landowner belonging to the District shall not be assessed for or be required to connect Chowan County water and/or sewer systems.

B. Abeyance

Water and sewer assessments will be held in abeyance, without interest, for qualifying farms in a District, until improvements on such property are connected to the water or sewer system for which the assessment was made.

C. Termination of Abeyance

When the period of abeyance ends, the assessment is payable in accordance with the terms set out in the assessment resolution.

D. Suspension of Statute of Limitations

Statutes of limitations are suspended during the time that any assessment is held in abeyance without interest. The landowner may be required to sign and acknowledgement of the abeyance of the statute of limitations upon collecting water and sewer assessments, or other utility assessments.

E. Other Statutory Abeyance Procedures

Nothing in this section is intended to diminish the authority of the County to hold assessments in abeyance under G.S. 153A-201 or other applicable law.

F. Conflict with Water and/or Sewer System Construction and Improvements Grants

To the extent that this section conflicts with the terms of federal, state, or other grants under which county water and/or sewer systems are constructed this section shall not apply. This section shall not apply to utilities that are not owned by the county unless the County has entered into an agreement with the entities owning the utilities and that agreement provides that this Ordinance shall apply.

## ARTICLE XII PUBLIC HEARINGS

A. Purpose

Pursuant to N.C.G.S. §106-740, which provides that no state or local public agency or governmental unit may formally initiate any action to condemn any interest in qualifying farmland within a District until such agency or unit has requested the Advisory Board to hold a public hearing on the proposed condemnation.

B. Procedure

1. Upon receiving a request from a condemning agency, the Advisory Board shall publish, at the agency's expense, notice describing the proposed action in the appropriate newspapers of Chowan County within seven (7) business days of the request, and will in the same notice notify the public of a public hearing on the proposed condemnation, to be held within ten (10) days of receipt of the request.

2. The Advisory Board shall meet to review:

- a. Whether the need for the project has been satisfactorily established by the agency or unit of government involved, including a review of any fiscal impact analysis conducted by the agency involved; and
  - b. Whether there are alternatives to the proposed action that have less impact and are less disruptive to the agricultural activities of the District within which the proposed action is to take place.
3. The Advisory Board shall consult with the County Agricultural Extension Agent, the Natural Resources Conservation Service District Conservationist, and any other individuals, agencies, or organizations deemed by the Advisory Board to be necessary for its review of the proposed action.
4. Within five (5) days after the hearing, the Advisory Board shall make a report containing its findings and recommendations regarding the proposed action. The report shall be made available to the public prior to its being conveyed to the decision-making body of the agency proposing the acquisition.
5. There will be a period of ten (10) days allowed for public comment on the report of the Advisory Board.
6. After the ten (10) day period for public comment has expired, the Advisory Board shall submit a final report containing all of its findings and recommendations regarding the proposed action to the decision making body of the agency proposing the acquisition.
7. The total time period, from the day that a request for a hearing has been received to the day that a final report is issued to the decision making body of the agency proposing the acquisition shall not exceed thirty (30) days. If the agency agrees to an extension, the agency and the Advisory Board shall mutually agree upon a schedule to be set forth in writing and made available to the public.
8. Pursuant to N.C.G.S. §106-740, the Board of Commissioners shall not permit any formal initiation of condemnation by local agencies while the proposed condemnation is properly before the Advisory Board.

### ARTICLE XIII COUNTY LAND-USE PLANNING

#### A. Duty of the Advisory Board

It shall be the duty of the Advisory Board to advise the Board of Commissioners or that agency or office to which the Board of Commissioners delegates authority to oversee county land use planning, on the status, progress, and activities of the county's agricultural district program, and to also coordinate the formation and maintenance of Voluntary Agricultural Districts with the county's land use planning activities and the county's land use plan if one currently exists at the time this ordinance is enacted or when one is formed.

B. Growth Corridors

At such time as the county might establish designated growth corridors agricultural districts shall not be permitted in the designated growth corridors, as delineated on the official county zoning map, without the approval of the Board of Commissioners. Districts located in growth corridors designated after the effective date of this program may remain, but shall not be expanded within the growth corridor area without the approval of the Board of Commissioners.

ARTICLE XIV  
CONSULTATION AUTHORITY

The Advisory Board may consult the North Carolina Cooperative Extension Service, the Natural Resource Conservation Service, the North Carolina Department of Agriculture and Consumer Services, and with any other individual, agency, or organization the Advisory Board deems necessary to properly conduct its business.

Article XV  
NORTH CAROLINA AGENCY NOTIFICATION

An official copy of this ordinance shall be sent to the office of the North Carolina Commissioner of Agriculture and Consumer Services, the Board of Commissioners, the county office of the North Carolina Cooperative Extension Service, the Chowan County Soil and Water Conservation District, and any other individual, agency, or organization the Advisory Board deems necessary to properly conduct its business. At least once per year, the Advisory Board shall submit a written report to the Commissioner of Agriculture and Consumer Services on the county's agricultural district program, including the following information:

1. Number of landowners enrolled;
2. Number of acres enrolled;
3. Number acres applied for;
4. Numbers of acres certified during the reporting period;
5. Number of acres denied during the reporting period;
6. Copies of any amendments to the ordinance; and
7. Any other information the Advisory Board deems useful.

ARTICLE XVI  
LEGAL PROVISIONS

A. Severability

If any article, section, subsection, clause, phrase, or portion of this ordinance is for any reason found invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this ordinance.

B. Conflict with other Ordinances and Statutes

Whenever the provisions of this ordinance conflict with other ordinances of Chowan County, this ordinance shall govern. Whenever the provisions of any federal or state statute require more restrictive provisions than are required by this ordinance, the provisions of such statute shall govern.

C. Amendments

This ordinance may be amended from time to time by the Board of Commissioners.

ARTICLE XVII  
ENACTMENT

The Chowan County Board of Commissioners hereby adopts and enacts the preceding articles and sections of this ordinance.

Adopted this the 14th day of September, 2009.

Motion for adoption by Commissioner Louis Belfield and unanimously approved by the Chowan County Board of Commissioners (7-0).

**Albemarle Commission Presentation**

Director Bert Banks made a presentation to the Board on the activities of the Albemarle Commission in Chowan County. He provided the Board with the following statistics on the Albemarle Commission, 6,275 congregate meals are served and 5,712 home delivered meals are served. He explained that there will be a new planner for the RPO which participates in the Department of Transportation planning for the Transportation Improvement Plan (TIP). He noted the Commission has over 80 volunteers that have logged over 11,407 volunteer hours primarily for home delivered meals.

Commissioner Alligood asked who on the Albemarle Commission's staff administers the CDBG grant.

Mr. Banks said the person's name is Keith Howard.

Commissioner Kenny Goodwin noted that the Commission also administers an Ombudsman program that investigates improper care complaints in local nursing homes.

Chairman Eddy Goodwin asked if there are any programs that are underutilized.

Mr. Banks said the contract planners and EDA grants are programs that he would like to see more participation in.

Chairman Eddy Goodwin asked if the Albemarle Commission has participated in any infrastructure grant writing for Economic Development in Chowan County.

Mr. Banks said he is not sure of the task of the local ECDC Board but he has not worked with them for Chowan County.

Commissioner Nixon asked if there is someone on staff that could facilitate planning meetings for the Board of Commissioners.

Mr. Banks said he does not have a facilitator for planning.

Mr. Rascoe clarified that the grants are federal monies and not loans.

Mr. Banks said yes, these are grants only. He thanked the Board for their time and provided them with a handout on the Albemarle Commission. (A copy of the handout is in the September 14, 2009 meeting file).

### **Board Appointment(s)**

Chairman Eddy Goodwin presented the following Board appointment requests:

a. Firefighter's Relief Fund

The Public Safety Committee has recommended Bill Monds and Bobby Winborne to replace Doug Belch and the late Murray Nixon.

Commissioner Kenny Goodwin asked if the Board would nominate a replacement for the late Fahye Byrum.

Ms. Jones said that appointment is made by the fire department.

Commissioner Winborne disclosed that Mr. Bobby Winborne is his brother and asked if the Board could foresee a conflict in his participating in the vote.

Commissioner Kenny Goodwin said there is no monetary gain for Commissioner Winborne in voting for this, and he could not see a conflict.

Chairman Eddy Goodwin asked for all in favor of the Committee's recommendation.

The recommendations passed unanimously (7-0).

b. Shepard-Pruden Memorial Library

The Board of Trustees has recommended Jerome Levisy to replace the expired term of Al Robb.

Commissioner Belfield moved that the Board appoint Jerome Levisy to the Library Board.

Chairman Eddy Goodwin asked for all in favor, the motion carried unanimously (7-0).

c. Greater Albemarle Area Chapter – American Red Cross

A request has been submitted for the Chowan County Board of Commissioners to appoint a representative to serve on the chapter board.

There were no nominations for this position. Commissioner Nixon recommended that the position be advertised on the County's website.

Ms. Stallings said she would list the opening the next day.

### **Resolution – NC Hwy 32 Connector Road**

Mr. Rascoe noted that the Washington County Board of Commissioners has requested consideration of a resolution in support of Alternative 1 for NC 32 – US 64 connector. He added that there is a push to get the brown signage for cultural and heritage tourism.

Chairman Eddy Goodwin noted the green sign that is already present.

Mr. Rascoe said there are hopes to get a larger green sign.

Chairman Eddy Goodwin asked Mr. Rascoe to keep the Board informed of any future public hearings on the selection.

Commissioner Alligood moved to approve the resolution as submitted. Chairman Eddy Goodwin asked for all in favor, the motion carried unanimously (7-0).

**RESOLUTION REQUESTING SELECTION OF ALTERNATIVE ONE  
FOR CONSTRUCTION OF NC HIGHWAY 32 CONNECTOR ROAD**

**WHEREAS**, US Highway 64 Bypass is a major east/west four-lane, high-speed bypass which was completed and opened in neighboring Washington County in September 2005 for vehicular traffic; and

**WHEREAS**, the bypass includes several exits from the highway, none of which currently serves as a major corridor to facilitate north/south traffic flow, including flow to and from NC Highway 32 and NC Highway 94 which serve areas north of the Albemarle Sound including Chowan County; and

**WHEREAS**, a north/south corridor to and from NC Highways 32 and 94 from and to US Highway 64 Bypass is needed to facilitate attracting economic development including industrial and residential growth to areas north of the Albemarle Sound including Chowan County, to provide an improved passageway for travel to and from the Outer Banks of North Carolina, and to relieve existing traffic congestion and safety hazards of NC Highways 32 and 94; and

**WHEREAS**, annually tens of thousands of vehicles traveling to the Outer Banks from destinations in the northern parts of the United States eventually exit onto US Highway 64 Bypass; and

**WHEREAS**, a significant number of these vehicles must currently travel along outdated secondary roads (NC Highways 32 and 94); this method of travel is confusing, creates safety hazards, and stymies economic development for areas north of the Albemarle Sound including Chowan County; and

**WHEREAS**, construction of the NC Highway 32 Connector Road, Project R-3620, has been included in the NC Department of Transportation (NCDOT), Transportation Improvement Plan (TIP) for several years; and

**WHEREAS**, numerous road construction route alternatives have been identified, studied, evaluated, and considered by various governmental agencies and the general public for several years; and

**WHEREAS**, numerous construction road alternatives have now been reduced to two proposed alternatives; and

**WHEREAS**, the Chowan County Board of Commissioners has evaluated the remaining two alternatives and considered various construction impacts including: construction costs, environmental, historical, safety of the general and traveling public, and the economic needs of the area including Chowan County; and

**WHEREAS**, the Chowan County Board of Commissioners concludes that of the remaining two alternatives, Alternative One is the most feasible alternative considering all aforementioned impacts.

**NOW THEREFORE BE IT RESOLVED**, that the Chowan County Board of Commissioners requests that Alternative One be selected as the construction route for the NC Highway 32 Connector Road.

Adopted this 14th day of September 2009.

**Internal Committee Reports**

**Public Safety Committee – Item for consideration**

MOA NC Wildlife Resources Commission and Chowan County

Mr. Rascoe noted that the Public Safety Committee of the Board has recommended this item to be added to the September agenda for the full Board's consideration. He stated that this is an MOA between NC Wildlife Resources Commission and the County of Chowan to rehab the old Hwy 17 Bridge for the Fishing Access Pier. He stated Chowan County is no longer responsible for a cash contribution.

Commissioner Kenny Goodwin stated that the County will still have to assume costs for trash pickup, security and maintenance.

Mr. Rascoe said that discussions between the recreation department director, Robbie Laughton and him have indicated that the County can absorb this through current resources available in the budget.

Mr. Robbie Laughton, Recreation Director said the trash will be picked up twice per week.

Mr. Rascoe noted there will be liability insurance coverage also for the site. He said there is assumption of risk, however the County already has developed waterfront that is insured. He discussed the plans for the bridge and the safety from the Hwy 17 bridge debris. He said one challenge is that the site has to be accessible 24 hours per day under the agreement. He said that he feels this is a great opportunity for Chowan County and for the people that will use it.

Mr. Laughton said that the site is cleaned now. He noted that originally the County was to pay a cash contribution under the previous agreement however, now the County is only obligated for the maintenance of the site.

Commissioner Winborne asked if there is a projected cost for maintenance of the site.

Mr. Rascoe said the costs could be absorbed in the current Recreation budget. He said there will be no cost line item for this project in the Recreation budget for FY 10-11.

Sheriff Goodwin said he was not sure what would be involved for security at the fishing pier.

Commissioner Nixon asked how long the project has been going on and what the State's time frame was.

Mr. Rascoe said 4 years since its beginning.

Robbie Laughton said that March 2010 is the anticipated start date on the project.

Commissioner Nixon said that he sees the pier as an Economic Development tool, he said the project may not be timed right but he felt that staff should look at Tourism monies for subsidizing the project. He said that he hoped Wildlife may be able to provide some security at the pier.

Chairman Eddy Goodwin said the ramps are in bad shape and said this is an opportunity for a bait shop to contract with the County to cover the operations of the pier.

Commissioner Belfield moved that the Board approve the MOA as presented. Chairman Eddy Goodwin asked for all in favor, the motion passed (6-1 K. Goodwin).

MEMORANDUM OF AGREEMENT

BETWEEN THE

*North Carolina Wildlife Resources Commission*

AND THE

*County of Chowan*

FOR

**Capital Expenditures and Maintenance of Joint Use Structures  
of the Edenhouse Boating Access Area and the Joint  
Chowan County/North Carolina Wildlife Resources Commission  
Public Fishing Area Project**

I. AUTHORITY

This AGREEMENT is entered into 1<sup>st</sup> day of September, 2009 by and between the North Carolina Wildlife Resources Commission, acting by and through its Executive Director, hereinafter referred to as the **COMMISSION**, and the County of Chowan, acting by and through the County's Manager, hereinafter referred to as the **COUNTY**.

WITNESSETH

II. PURPOSE OF AGREEMENT

WHEREAS, the **COUNTY** desires to rehabilitate a 600 foot long span of the old U.S. Highway 17 bridge on the Chowan River and operate it as a public recreational fishing access facility and construct restroom facilities for patrons, jointly referred to as the Joint Chowan County/North Carolina Wildlife Resources Commission Public Fishing Area Project hereinafter referred to as the *Fishing Access Project* and located on a 0.298 acre parcel owned by the **COUNTY** directly adjacent to the **COMMISSION'S** Edenhouse Boating Access Area at the east end of the U.S. Highway 17 bridge near the Town of Edenton, Chowan County and,

WHEREAS, the proposed budget for this project is as follows-

WHEREAS, the **COMMISSION** has in its plans to redesign and rehabilitate the Edenhouse Boating Access Area, hereinafter referred to as the *Boating Access Project*, and has determined that the two projects are complementary and compatible in scope and objectives, and fully supports the concept of the **COUNTY'S** plan for a public fishing access area at the adjacent site and desires to cooperate with the **COUNTY** subject to the terms and conditions hereinafter set forth;

NOW THEREFORE, the parties hereto, each in the consideration of the promises and undertakings of the other as herein provided, do hereby covenant and agree, with each other, as follows:

### III. RESPONSIBILITIES

#### A. The **COMMISSION** agrees to:

1. Assume 100% of the design costs (funds to be acquired from the Marine Resources Fund, Sport Fish Restoration Funds and Boating Program Funds) for the *Fishing Access Project* and the *Boating Access Project*,
2. Provide vehicular parking spaces on the property of the **COMMISSION'S** *Boating Access Project* for patrons of the **COUNTY'S** *Fishing Access Project*,
3. Provide engineering and design services that yield a congruent overall facility design linking the **COMMISSION'S** *Boating Access Project* to the **COUNTY'S** *Fishing Access Project*, the design of which will be acceptable to both parties. Specific areas for which these services may be provided will include but may not be limited to include parking areas on the **COMMISSION'S** property where patrons of the **COUNTY'S** *Fishing Access Project* will park vehicles, ingress and egress facilities for handicapped patrons, and specialized fishing facilities for handicapped patrons,
4. Coordinate the acquisition of all local, state, and federal regulatory permits necessary to permit refurbishing of the *Boating Access Project*, construction of a restroom facility and conversion of the old Highway 17 bridge into the *Fishing Access Project* such that the two projects will be efficiently permitted and executed as one joint project.

#### B. The **COUNTY** agrees to:

1. Without limiting access times to the *Boating Access Project* or the ancillary parking lot, permit public access to the *Fishing Access Project* at reasonable times determined by the **COUNTY** to participate in recreational fishing activities consistent with regulations of the **COMMISSION**, as well as those of the N.C. Division of Marine Fisheries applicable to the portion of the Chowan River whereupon the *Fishing Access Project* is located,
2. Assume all management, security and liability responsibilities for the *Fishing Access Project* in accordance with all applicable laws and regulations and shall perform routine inspections of the *Fishing Access Project* and prepare written documentation for said inspections,
3. Assume all legal responsibilities and liabilities for personal injuries or deaths that may occur on the *Fishing Access Project*, indemnify and hold harmless the **COMMISSION** and its officers, agents, and employees from all suits, actions, or claims of any character brought for any injury or damages received or sustained by any person, persons, or property by reason of any act of the **COUNTY**, its contractors, agents, or employees in the operation or maintenance of the *Fishing Access Project*. The **COUNTY** shall be responsible for acquiring necessary insurance for the *Fishing Access Project* in the event of vandalism and/or acts of nature that damage the *Fishing Access Project*, at no expense to the **COMMISSION**,
4. To perform routine maintenance on **both** the *Fishing Access Project* and the *Boating Access Project* for the life of this agreement according to an operations and maintenance schedule mutually established by both parties. The **COUNTY** will provide 100% of the routine

operations and maintenance costs for the duration of this AGREEMENT. Operations and maintenance costs are those costs associated with routine maintenance, including, mowing, trimming and litter pick-up. These duties will be performed year round at regular intervals and litter will also be removed regularly,

5. Provide restroom access for patrons of the *Fishing Access Project* and the *Boating Access Project* twenty-four hours a day, seven days a week, year round unless significant health or safety reasons preclude this provision,
6. Provide maintenance of the restrooms, include water, sewer services and necessary utilities, for the life of the *Fishing Access Project*,
7. Ensure that proper recognition is given to the **COMMISSION**, the Division of Marine Fisheries Marine Resources Fund and the Sport Fish Restoration Program, in all announcements, brochures, and signage advertising recreational fishing from the *Fishing Access Project*,
8. Prohibit any use of the *Fishing Access Project* that may conflict with its intended purpose, including any activity that promotes or encourages opposition to the regulated taking of fish, hunting or trapping of wildlife.

C. It is Mutually Agreed:

1. That this AGREEMENT shall become effective as soon as signed by both parties and shall continue in effect for 50 years or until August 31, 2059. Upon reaching the termination date, the AGREEMENT will automatically be renewed for an additional 10 years unless either party requests cancellation in writing within 90 days prior to August 31, 2059,
2. Either party may terminate its involvement in this AGREEMENT by written notice to the other at least 90 days in advance of the date on which termination is to become effective. At the time of termination, the COUNTY agrees to refund the COMMISSION a pro rated portion of the funds based on a fifty year period that were designated for the fishing pier and as set forth below,

<b>Pier Renovations</b>	\$104,770.00
<b>Restroom Facilities, Sidewalks, and Utility Hook-ups</b>	\$128,220.00
Construction Contingencies (10%)	\$23,300.00
<b>TOTAL</b>	<b>\$256,290.00</b>

3. That nothing in this AGREEMENT shall obligate either party to any conditions not specifically stated herein,
4. This AGREEMENT may be revised as necessary by mutual consent of both parties, by issuance of a written AGREEMENT, signed and dated by both parties.

#### IV. PRINCIPAL PROJECT CONTACTS

1. For the **COMMISSION**, the principal contact person will be, Erik Christofferson, Division of Engineering Services or his designee.
2. For the **COUNTY**, the principal contact person will be Edenton-Chowan Recreation Department Director, currently Robbie Laughton, or his designee or successor in title.

IN WITNESS WHEREOF, the parties hereto have executed this AGREEMENT the day and year first written above.

#### **Sub Finance Committee – Items**

Commissioner Kenny Goodwin reported that the Sub Finance Committee met with the investment brokers with RBC Centura. He said the brokers assured them that Chowan County is invested correctly.

#### Returned Check Policy & Purchasing Policy

Finance Officer Lisa Jones presented the returned check and Purchasing policy to the full Board for consideration. She added that this policy is in place, but the auditor recommended that it be put in writing.

Commissioner Alligood moved that the Board approve the Returned Check Policy. Being no further discussion, Chairman Eddy Goodwin asked for all in favor, the motion passed unanimously (7-0).

Commissioner Cole moved that the Board approve the Purchasing Policy. Being no further discussion, Chairman Eddy Goodwin asked for all in favor, the motion passed unanimously (7-0).

(a copy of the policies will remain in the meeting file labeled September 14, 2009)

#### **Budget Amendments**

Finance Officer Lisa Jones presented the following Budget Amendments from Sub-Finance Committee discussion.

#### **BA-0910-59**

3990	Fire	\$16,000	Increase fund balance appropriated in fire fund
4340	Fire	\$16,000	Increase expense for BB&T payment on building for Center Hill Crossroads Fire Department

Commissioner Alligood moved that the Board approve BA-0910-59. Being no further discussion, Chairman Eddy Goodwin asked for all in favor, the motion passed unanimously (7-0).

## **Budget Transfer**

### **BT0910-04**

9841	General Fund	\$58,971	Decrease General Fund Reserve cost savings line item
4320	Jail	\$58,971	Increase contribution to Jail to cover anticipated cost overruns for medical care for inmates for FY 09-10 (Partially due to state budget cuts)

Commissioner Nixon moved that the budget transfer be brought back to the Sub-Finance Committee for more discussion.

Chairman Eddy Goodwin asked if there was any urgency for approval of this transfer.

Sheriff Dwayne Goodwin said he understood from the Finance Officer that it could hold off until October November.

Ms. Jones said that was correct.

Mr. Rascoe noted the Jail, 911 and Sheriff budgets are separate and that is why an internal transfer cannot be done. He said that staff hands are tied until the Board makes a decision on the amendment.

Being no further discussion, Chairman Eddy Goodwin asked for all in favor, the motion carried unanimously (7-0).

### **External Board/Committee Reports**

Chairman Eddy Goodwin asked the Board members to report on the activities of the external boards to which they have been appointed.

Commissioner Cole reported that the Hospital Directors Council is meeting on the Heliport and Sarah Tynch will be appointed to the DSS Board at their September meeting.

Commissioner Belfield reported on the activities of ARHS and discussions of the H1N1 flu planning. He added that a storage unit is being installed at the Elizabeth City office.

### **Finance Officer Report**

Finance Officer Lisa Jones provided the Cash Balance Summary and Cash and Investment Balance information for the month of July noting a total of \$4,487,401 total cash and investments. She also provided the Board with a highlight of the Sales Tax Collections. She noted there is enough cash flow to make the debt service payments for the Library and the Public Safety Center.

Commissioner Nixon asked about the release of lottery funds.

Ms. Jones said some are in the school capital reserve fund. She said a requirement is that a project has to be in place. She said some of the money spent on John A. Holmes is eligible. She said she is going to make an application for these funds.

(a copy of the presentation is in the meeting file labeled September 14, 2009)

### **DSS Annual Report**

Melanie Corprew, DSS Interim Director gave a Power Point report on the past year's activities of the Department of Social Services.

(a copy of the presentation is in the meeting file labeled September 14, 2009)

### **Planning Department Annual Report**

Planner, Wes Haskett gave a Power Point report on the past year's activities of the Department of Social Services.

(a copy of the presentation is in the meeting file labeled September 14, 2009)

### **Manager's Report**

Mr. Rascoe gave a report on the following topics:

- An offer from the Boys and Girls Club has been received, it is recommended that the Board discuss the offer during Timely and Important Matters.
- The Board has been provided a copy of the Annual Report to the Board FY 2008-09 from the NC Forest Service for Chowan County. He added that the Ranger from Perquimans County is filling in until someone is hired to replace Ferrell Banks.
- Major leaks have been occurring in the Water Department. Large man hours have been recorded in overtime to fix the leaks. The department is one man short and the Supervisor is hiring for the vacant position.
- Continuing to work with COA and the Facilities Study Committee for campus consolidation. A report on this should be ready in the next month.
- Telephone and cable transfer for moving offices to the Public Safety Center has presented a challenge.
- Working with Probation and Parole staff to find space because the lease monies were cut through state budget cuts. He said currently there is a debt on a proposed suitable location.
- Grass cutting is a challenge for County Buildings. There is a seasonal person cutting grass and inmates must be supervised to cut grass. Currently the problem is more aesthetic than a public safety concern.

Commissioner Nixon asked if there had been any word on the VA Clinic.

Mr. Rascoe said no, he hoped to hear soon. The Subcontractor in the building is moving out but the utility bills are being paid by East Carolina Behavioral Health.

### **Timely and Important Matters**

Mr. Rascoe presented an offer from the Boys and Girls Club he noted the club offered \$208,500.

Commissioner Kenny Goodwin noted the appraisal for the building and the 8 acres is \$231,500. He said he had a problem with selling it for less than the appraisal value.

Commissioner Cole noted the offer is for the Club to also pay for the closing costs, survey etc. He then made a motion that the Board accept the offer of \$208,500.

Mr. Rascoe noted that under the statutes of a private sale, the Board may authorize the County Manager or Chairman to enter into a contract with the Boys and Girls Club. If an offer is accepted, a notice of the private sale must be published for 10 days, not for upset. He said it would be Chowan County's right to exercise its option to purchase the ALC from the ALC Inc.

Commissioner Belfield said he felt the Board should accept the original offer.

Commissioner Winborne said the Board wanted an appraisal to make sure the sale was not below an appraisal. He suggested the Board accept the original offer as cash up front and finance the remainder of the difference of the appraisal.

Jerome Levisy, Director of the Boys and Girls Club said he appreciated the County's support. He said the club has been able to generate revenue. He said his Board has given him authorization to purchase the building that night. He said he was there to negotiate.

Chairman Goodwin asked if the Boys and Girls Club was willing to negotiate if cash flow was a problem.

Mr. Levisy, said the Boys and Girls Club wants all 8 acres now. He explained the offer was compiled from the original offer of \$200,000 and pricing the additional 4 acres at appraised value. He said considering closing costs and surveys the total will put the Board close to \$230,000.

Commissioner Kenny Goodwin asked if the Club would negotiate financing the remainder at reasonable terms. He added that the selling price is significantly lower than the tax value and the County is giving some.

Chairman Eddy Goodwin said he supports the club, but feels he must do right by asking for the appraised value.

The Board discussed the motion that was on the floor and rules of procedure in amending the motion.

Commissioner Nixon said he was involved in negotiations and the appraisal came about because the Board was aware that the tax value was high. He said he supported the sale.

Chairman Eddy Goodwin passed the gavel to Vice Chairman Winborne.

Chairman Eddy Goodwin moved that the Board amend Commissioner Cole's motion and sell the property for \$230,000.

Mr. Levisy said he only has \$208,500 in cash, he said he would like to discuss the difference and the payment arrangement.

Commissioner Kenny Goodwin asked Mr. Levisy what was a reasonable time frame to pay back the \$21,500 difference.

Mr. Levisy said he prefers to finance with the County over a certain amount of years that both parties would find reasonable.

Commissioner Kenny Goodwin moved to amend Chairman Eddy Goodwin's motion to accept \$208,500 in cash and the County finances the remainder.

Mr. Levisy said he would like to know the terms for financing the remainder.

Mr. Rascoe said the County would say "not to exceed" a certain amount of time.

Mr. Levisy said he would need more than a couple of years.

Commissioner Kenny Goodwin asked if 5 years at the interest rate would be fair.

Chairman Eddy Goodwin asked if Commissioner Goodwin wished to amend his motion.

Commissioner Kenny Goodwin said rather than selling the property for 230,000 plus interest he wished to amend his motion to sell it for the appraised price with no interest financing on the remainder.

Commissioner Kenny Goodwin moved to substitute the motions out of deference to Commissioner Cole and Chairman Eddy Goodwin's motions that the Board approve the sale the Albemarle Learning Center property and 8 acres to the Boys and Girls Club in the amount of \$231,500 with \$208,500 cash to be paid up front and the remaining \$23,000 to be paid at 0% interest to Chowan County within 5 years with the buyer assuming all additional costs (closing, etc.).

Mr. Rascoe disclosed that some transfer tax will have to be paid and some money goes back to Chowan County.

Being no further discussion, Vice Chairman Emmett Winborne asked for all in favor, the motion passed (5-2 Cole, Belfield).

Mr. Levisy thanked the Board for the County's support and added that they Boys and Girls Club hopes to close within the next 30 days. He added that on behalf of the Boys and Girls Club, he accepted the County's offer.

Being no further business, the meeting was adjourned.

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Edward C. Goodwin, Chairman

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L. Susanne Stallings, Clerk