

Chowan County Board of Commissioners Meeting

5:30 pm

Dinner/Workshop Meeting with COA staff

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; Human Resources Officer, Carrie Byrum; Maintenance Supervisor, Orville Mason and Clerk to the Board, Susanne Stallings.

Chairman Eddy Goodwin offered the invocation and during the dinner provided by COA culinary class, a virtual walking tour of the campus was given by Jim Turdici of COA. (A copy of the presentation is in the file labeled February 2, 2009 Chowan County Board of Commissioners Meeting).

Regular Meeting

Monday February 2, 2009

6:00 pm

****COA Dining Hall and Community Conference Room****

824 North Oakum Street, Edenton NC

(Behind the former DF Walker Elementary School)

AGENDA

The Chowan County Board of Commissioners held their regular meeting on Monday, February 2, 2009, at 6:00 pm in the COA Dining Hall and Community Conference Room 824 North Oakum Street, Edenton NC (Behind the former DF Walker Elementary School).

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 local Girl Scout Troop #937 members, Madison Coxe and Laura Anders led the pledge. The troop leader present was Becky Wilder. Commissioner Ralph Cole then offered the invocation.

Chairman Goodwin noted that Item number 5 on the agenda was to be moved up because the presenter had another meeting to attend. He then called upon Bobby Outten, Dare County Manager.

NC Beach Plan – Chowan County

Dare County Manager, Bobby Outten presented Dare County's leadership role in opposing the approved insurance rate increases commonly known as the "Beach Plan in North Carolina". Mr. Outten stated 18 counties will be affected by the increased insurance rates. He said that his county as well as others agrees that rate hike is unfair. He said that Chowan County's rates are projected to increase as much as 6 ½%. He asked the Board to consider

joining the other counties in one or more of three options. 1. Join politically, 2. Join in lawsuits or 3 Join financially. He said that the costs of opposing such a matter are not done for free.

Attorney, John Morrison asked the name of the council representing the plaintiffs.

Mr. Outten stated Williams/Mullen out of Raleigh is the firm. He said this is a large firm and the total cost for such a venture could be a six figure number. He said that currently they have collected close to \$100,000. He stated the attorney's contract is with Dare County and the Boards only obligation is whatever they decide to commit to.

Mr. Morrison asked if the Board would be liable for counter claims and how soon a decision would be needed.

Mr. Outten replied that he feels the answer to the first question is no. He said that the Board could take as long as it feels it needs to; however the clock has started ticking to join.

Mr. Morrison advised the Board that the representing attorney is reputable and the fees are concurrent with that type of legal service. He said that it does not appear likely that the County would receive any counter suits by participating in the claim.

Commissioner Alligood asked if the County has the funds to participate.

Mr. Rascoe said there are some contingency monies and the County could contribute anywhere from \$1,000 to \$5,000.

Chairman Eddy Goodwin asked about coverage of County owned buildings.

Mr. Rascoe said that the NCACC has reported that the County owned buildings are covered.

Commissioner Kenny Goodwin asked if the new Insurance Commissioner supports the rate hike.

Mr. Outten noted that the increase is effective now, and added that the former insurance Commissioner Long had suffered a stroke and his condition was unknown.

Commissioner Nixon asked if Chowan County may be placed in a different category than the beach.

Mr. Outten stated the Insurance Commission can or may change the territories. He added that the local legislatures are in support of the appeal and he encouraged all attending the Board's meeting that evening, to contact other representatives to ask them to take a position on the appeal.

Public Comment

Chairman Eddy Goodwin opened the floor to public comment.

George Grother, East Queen Street, asked the Board to not consider any deal makings for incentives for Lowes to come to Edenton, adding that the people of Lowes are pirates.

Ed Britt, Benbury Drive, asked the Board to not pay any incentive monies for Lowes to come to the area. He said that it is high competition for local businesses and asked that the Board not get involved.

Sue Brown, Indian Trail Rod asked that the Board not get involved in offering incentive monies to companies.

Steve Lane, McMullen Ave said that with regards to the Town of Edenton proposed park, asked the County Board to not support removing the property from the residential tax revenues.

John McArthur, representing the Edenton Optimist Club gave a brief PowerPoint presentation on the activities of the local club. (A copy of the presentation is in the file labeled February 2, 2009 Chowan County Board of Commissioners Meeting).

Dave Perrott, Happy Home Road said that he was representing the Chowan Ruritan Club. He said if the County was able to sell the Chowan Community Building, the club would support it. He said that the club will work with the new owner and make arrangements for a meeting location. He said the club is in support of putting the building back on the County tax rolls.

Consent Agenda

a. Budget Amendments

3531 DSS	\$212	Increase	New allocation of funds for Foster Care Caseworker visits
3531 DSS	\$20,783	Increase	Increase in CRISIS funding
4710 Solid Waste	\$528	Increase	White goods disposal tax received from NCDOR
4340 Fire Fund	\$375,000	Increase	USDA loan to purchase 2 fire trucks. 1 purchased 3/2008 and the other purchased 1/2009 (Approved by the Board of Commissioners June 26, 2007)
4270 Central Communications	\$280,590	Increase	100% Federal Technology Grant for: 800mhz radios, computer switches, phones for EOC, phone tracking software, control boards, laptops (MDT's)

b. Budget Transfers

5352 DSS	\$75,000	Decrease	
4320 Jail	\$75,000	Increase	Medicaid Savings to cover costs of housing inmates outside County
* 9900 Contingency	\$1,750	Decrease	
4331 Safety	\$1,750	Increase	Cover costs for First Call contract for county wide area telephone notification service.

c. Tax Release

Alex. Electric	\$104.58	SITUS Perquimans Co.
Davenport, J.	\$135.38	SITUS Washington Co.
Henderson, R.	\$188.00	Senior Exemption was left off
Perry, C.	\$123.11	Vehicle Repossessed
Small, J.	\$144.48	SITUS Gates Co.
Vogele, G.	\$149.66	DMV Mistake
Brathe, B.	\$125.13	Vehicle Traded
Midgett, R.	\$540.34	1 STY not 1.5
Midgett, R.	\$620.07	1 STY not 1.5

d. Minutes of the January 5, 2009 Board of Commissioners meeting

e. Acknowledgement of receipt of End of Year report on activity of DSS, Community Child Protection Teams per state requirement.

* . Letter to Department of Health and Human Services urging avocation for preservation of any state aid to Counties for the administration of Social Service programs.

* . Resolution in Support of the Department of Veterans Affairs Community-Based Outpatient Clinic being located in Edenton/Chowan County, NC

* Minor administrative changes to approved solid waste disposal contract between Republic Services and Albemarle Regional Solid Waste Management Authority.

Chairman Eddy Goodwin asked for any questions or comments on the consent agenda as presented.

Commissioner Kenny Goodwin asked for explanation of some of the large figures in the budget amendments for the fire truck.

Mr. Rascoe said this was a loan for two fire trucks. He said the trucks were delivered and the loan had to be carried over into in the current budget. He said the other large numbers are income for a 100% grant.

Commissioner Kenny Goodwin asked about the changes to the contract between Republic Services and Albemarle Regional Solid Waste Management Authority.

Mr. Rascoe said that they are non-fiscal changes but slight administrative changes to the contract.

Commissioner Belfield moved that the Board approve the consent agenda as submitted.

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

COA- Presentation

In the absence of Lynne Bunch President of COA, Jim Turdici provided a presentation on the services of the COA Edenton Campus. (A copy of the presentation is in the file labeled February 2, 2009 Chowan County Board of Commissioners Meeting).

Morris Small stated he felt that having a community college in Chowan County provides training for new and existing businesses. He said it also provides a 2nd chance for persons affected by businesses closing and/or layoff workers. He said Chowan County is lucky to have such a vital asset in the community.

Chairman Goodwin asked if Mr. Turdici knew the numbers for job placement success rate.

Mr. Turdici stated he did not know the numbers off hand but would have Ms. Bunch give him a call.

Job Incentive Grant Consideration for Industry Expansion

Mr. Rascoe said this item could be removed from the agenda because this local industry expansion has found another means of matching funds.

DSS Board Appointment

Chairman Eddy Goodwin said that the DSS Board has requested re-appointment of Mary Rhea Jones for her second term. She currently serves as the Board's Chair.

Commissioner Cole stated that he serves on the DSS Board with Ms. Rhea and she has done a wonderful job. He then moved that Ms. Rhea be reappointed to the DSS Board.

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

Internal Committee Reports

- Sub-Finance Committee

Commissioner Kenny Goodwin stated that the Sub-Finance Committee met with the School Board Finance committee to begin discussions on the FY 2009-10 budget planning. He said the three member committee has also selected 11 citizens to serve as the Citizens Advisory Committee to participate in budget planning. He then read the names into the record: David Barrett, Jim Brock, Brian Bunch, Mary Sidney Copeland, Allen Nixon, Mac Privott, Derrick Wasworth, Darnell White, Henry White, Paul Whiteman and Marshall Williford.

- Planning/Enterprise Committee

Commissioner Nixon presented a PowerPoint of three properties that were identified by the Planning and Enterprise committee as non-essential properties. (A copy of the presentation is in the file labeled February 2, 2009 Chowan County Board of Commissioners Meeting). He stated that the Board would need to declare the property surplus before the property can be put up for bids. He noted that the appraised tax value of each property will be the minimum bid in accordance with the Statutes. The following are the properties identified by the Committee were:

Gliden Rescue Building
239 Gliden Road
PIN 7904-00-24-8086
Tax Value \$62,914

Chowan Community Building
2862 Virginia Road
PIN 6991-00-12-7190
Tax Value \$47,804

Chowan Agricultural Building Site (South of the property)
111 Virginia Road
PIN 7805-15-62-0777
Tax Value \$339,178

David Barrett asked for clarification on the property being sold at the tax value.

Commissioner Nixon stated the minimum bid would be the appraised tax value.

Commissioner Alligood moved that the Board declare the properties as surplus in accordance with the Statutes, to be sold "as is" with the 10 day upset bid period, with starting bids set at the appraised tax value adding that staff would handle the bid process.

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

External Board/Committee Reports

Mental Health Board

Chairman Eddy Goodwin noted that the Board members have been asked to report on the activities of the external boards to which they have been appointed. He stated that one particular Board of interest is the Albemarle Mental Health Board. He also asked that any

other Board members may report on their external Board/Committee activities of the past month.

Commissioner Cole stated that the Mental Health Board has been meeting to discuss the future of Mental Health. He added that he is a member appointed to the Mental Health Board.

John Morrison added that the state is going to appoint a caretaker. He also discussed the County's per capita contribution of \$1.00. He stated that this amount was never increased and Mental Health is being criticized for not requesting more from Counties. He said that the County could expect that they be requested to pay more.

Albemarle Commission RPO

Commissioner Belfield stated that he attended the RPO meeting in Currituck and highways were the main topic of discussion. He said that the Highway 32 work was discussed and they plan to get back to work on that project.

Albemarle Regional Health Services (ARHS)

Commissioner Belfield reported that ARHS has discussed the standing of ARHS. He said that ARHS reports they are in good financial shape. He said that the 09/10 budget will be tightened. He added the auditor gave the board a report and they are soliciting bids for an auditor.

Economic Development(ECDC)

Commissioner Winborne reported that the ECDC Board has been meeting to discuss reorganization of that Board.

Departmental Annual Report – Public Safety

Public Safety Director, Doug Belch gave an annual report on his department's activities. (A copy of the presentation is in the file labeled February 2, 2009 Chowan County Board of Commissioners Meeting).

Valhalla Water Plant Discussion

Mr. Rascoe said that the violation placed on the Valhalla water plant was not for the drinking water, but was a violation of the chloride waste discharge. He said that currently there are options to remedy the violation, one is to remove the softeners, and the second option is to move the discharge into the river. He said that he is planning to present a plan to the full board in March after having additional discussions with the Engineer and the Planning & Enterprise committee.

County Engineer Bill Diehl, provided the Board with an update on permitted chloride waste discharge limits at the Valhalla Water Plant. He stated that the wastewater has too much salt. He noted the previous permits have not included requirements on the salt limits in the wastewater discharge. He discussed what water customers would see if the softeners were removed from the water.

Chairman Eddy Goodwin asked why the limits were changed in the permitting process.

Mr. Diehl stated that a committee designed to focus on ground water began discussions on salts in discharge water.

Commissioner Kenny Goodwin asked if the wastewater could be pumped into the sewer.

Mr. Diehl said the Town sewer uses a spray field and the salt water cannot be sprayed without affecting that soil. He added that in more dry climates the water could be evaporated and the salts could be dried out and sold. He stated that in this climate the best solution is to discharge the wastewater into the river.

Commissioner Alligood asked if there are other plants like the one in Chowan County.

Mr. Diehl stated that yes, there are others like Chowan's in the area.

Commissioner Cole asked about the penalty for non-compliance.

Mr. Rascoe stated that the DWQ staff indicated that if the County came up with a plan for disposal of the wastewater that no further penalties would be assessed. He added that he was given the understanding that the County would have time to complete a plan for the discharge of the wastewater.

Commissioner Winborne asked what level of softeners would effect the coloration of the water.

Mr. Diehl stated that at 300 parts water the water would be hard and soapy water would not lather easily. He said there would be discoloration issues with the water as well.

Chairman Eddy Goodwin called for any public questions or comments.

Sue Brown said she would hate to see the water go back to hard water.

Bill Diehl replied that home water softeners may help if the water is too hard.

David Barrett said that he wants to make sure that the fees collected for County Water fund the upgrades to the discharge lines.

Tax Collector

Tax Collector, Lynda Hendricks presented the collection report noting that as of January 20, 2009 the total collection is \$7,961,540.46 or 88.63% of the total levy. She said the second notices for property taxes would be mailed the next day.

Ms. Hendricks then presented a resolution for the Board's consideration requesting that the General Assembly amend Section 3 (b) of SL 2005-433 to include Chowan County on the list of Counties which may require that delinquent ad valorem taxes be paid on a property before issuance of a building permit.

Chairman Eddy Goodwin then asked the clerk to read the resolution into the record.

Ms. Stallings read:

“Whereas the Chowan County Board of Commissioners at its regular meeting of February 2, 2009 did consider the matter of requiring all delinquent Chowan County ad valorem taxes to be paid on a property before any building permit is issued for construction on the property; and

Whereas the Chowan County Board of Commissioners does desire that its legislative representatives in each house of the North Carolina General Assembly introduce proposed bills authorizing Chowan County to enact an ordinance requiring that all delinquent ad valorem taxes be paid on a property before allowing the issuance of any building permit for construction.

Now Therefore, the Board of Commissioners of Chowan County does hereby resolve and request that it’s legislative representatives in each house of the North Carolina General Assembly introduce and support separate bills which, if enacted, will authorize Chowan County to enact an ordinance requiring that all delinquent ad valorem taxes be paid on a property before allowing the issuance of any building permit for construction, and

Further and accordingly, that Section 3(b) of Session Law 2005-433 as amended by Section 2 of Session Law 2006-150 and by Session Law 2007-58, be further amended to include Chowan County.

Resolved by the Board this the 2nd day of February, 2009.”

Chairman Eddy Goodwin then asked for any questions or comments.

Sue Brown said she felt this resolution may create a hardship for homeowners making improvements to sell a home.

Tom McClaren of Macedonia Road said as a real estate agent, he feels that the policy is fair.

Commissioner Belfield moved that the Board adopt the resolution.

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

Ms. Hendricks then presented a resolution that authorizes the tax office to allow a discount to residents if the taxes are paid by August 31 of that tax year in accordance with G.S. 105-360 (c). She added \$1.5 million of the tax levy are paid in escrow taxes.

Mr. Rascoe noted that the Town of Edenton has not considered the discount for Town taxes. He said the bills would be sent out earlier in the Fiscal Year. He added that upgrades may be needed for the software to compute the discount.

Ms. Hendricks stated that most mortgage companies pay the taxes early when a discount is offered.

Commissioner Nixon and Ms. Hendricks discussed the amounts computed in savings.

Commissioner Alligood said that he would support the resolution.

David Barrett asked that the Board consider tabling the resolution to provide the public with the figures on the advantages for early payment to show the loss in revenue as well.

Morris Small stated a policy of this nature would be advantageous and banks do pay early however he said he feels the county will see more savings in early payment in 2010 rather than 2009.

John Mitchener asked if the County would change the rate of the discount annually as the market conditions change.

John Morrison stated the Board is allowed to make changes year to year.

Ms. Hendricks added that the changes to the policy would have to be reported each year to the Department of Revenue.

Sue Brown stated that she felt farmers are not able to pay taxes until the end of the year and persons who do not have the savings are not going to be able to take advantage of the savings.

Ms. Hendricks said that Pasquotank and Tyrrell County provide a discount for early payment and approximately 40% of the levy is paid before September 1st.

Commissioner Cole moved that the Board table the resolution until the March meeting to allow staff to provide the figures for the savings.

Chairman Eddy Goodwin asked for all in favor, the motion passed (6-1, Nixon).

Surplus Property

Clerk to the Board, Susanne Stallings shared a list that staff has compiled of surplus property. She noted that in order to be liquidated through a county auction, the Board must declare it surplus by a unanimous vote pursuant to NCGS 160 A – 266 (c). She then presented the following list for the Board's consideration:

1994 Ford Bus –Diesel
Vin # 1FDKE30MoRHB40011

1995 Ford Bus – Diesel
Vin #1FDKE30F2SHB06417

2002 Ford Crown Victoria
VIN# 2FAFP71W12X127495

2001 Crown Victoria

VIN# 2FAFP71W21X160021

2000 Chevrolet Impala
VIN#2G1WF55K4Y4315247

1991 Ford Ambulance
VIN# 1FDKE30MBMHA47441

1982 Jeep CJS
1JCBM85E2CT033972

1997 Chevrolet Truck
2GCEC19R2V1254910
Turned over as plea in Fed Drug Case, \$\$ from sale has to go to Schools per Gen Statutes

1999 Dodge Van
Inmate Transfer
2B5WB35Y6XK533710

1997 Volkswagen Jetta
VIN# 3VWSBB1H3VM039544
Turned over as plea in Fed Drug Case, \$\$ from sale has to go to Schools per Gen Statutes

1996 Ford Crown Victoria
VIN#2FALP71W6TX113404

John Deer X 475 with Front Loader

1984 Chevrolet Van
VIN# 1GCGG35M5E7172305

1988 Chevy Truck w/ Utility Body
VIN# 1GBJR34M3JJ144487

Generator, Gas 4 cyl. Working lights

Gas Air Compressor

Steel Work Platforms

11 GE 1500w metal halide lights

Lockers

Trailer

Boat motors

ATM Machine

Fax/Phone/Copy/Adding machines

Exercise Equipment

Postage meter and scale

Office and misc furniture

Filing cabinets

Commissioner Alligood moved that the Board declare the property as surplus and added that the County Manager arrange the sell of the property, to be sold “as is” in accordance with the Statutes.

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

Mr. Rascoe stated that he would get with the Planning & Enterprise Committee to discuss the type of sale for the surplus property.

Finance Report

Finance Officer Lisa Jones provided the financial reports for the month of December. (A copy of the presentation is in the file labeled February 2, 2009 Chowan County Board of Commissioners Meeting). She noted cash balance of \$314,389 as of December 31, 2008 an investment balance of \$2,900,981. She highlighted the Ad Valorem Tax Collections at 88% through January 31, 2009 and only 36% collections of Sales Taxes. She noted that Sales Tax collections should be at 42% through January 2009.

Manager's Report

Mr. Rascoe noted the auditor should have the FY 07-08 Audit ready to be presented at the March meeting. He noted that the owner of the property at 738 Yeopim Road has abated the property and no action is needed by the Board. He said that efforts continue to get the proposed VA Clinic in Chowan County. He reported that notices for buildings should be put out by the summer. Mr. Rascoe stated that animal rights activists have been writing the Board requesting that the County discontinue the use of the gas chamber for euthanasia of animals. He said that a bill has been introduced to the General Assembly and he will be watching the outcome of this bill closely. He stated that a committee is studying voluntary agricultural districts and this topic will come back to the Board for future discussions. Mr. Rascoe reported that a rezoning request will be coming before the Board in March. He stated that Lowes will be releasing a decision on the proposed site in Edenton in the coming week. He added he will notify the Board as soon as he learns of the decision. Mr. Rascoe encouraged the Board to consider the request from Dare County for the Beach Plan

opposition. He added that his office has received no additional information on the status of the State Auditors investigation.

Timely and Important Matters

Commissioner Alligood asked for staff to investigate stimulus or grant monies for affordable housing and for sewer extension to the southern end of the County.

Mr. Rascoe stated that he has given lists of priorities to various agencies as they are requested.

Gail Singh asked the Board what the process was for selection of the Citizens Advisory Committee.

Bob Clark questioned the opportunity for persons to apply.

Chairman Eddy Goodwin stated that lists were provided from the full Board of Commissioners. He stated there was a diverse group that had indicated interest in serving on the Committee.

Being no further regular business before the Board, Commissioner Alligood moved that the Board go into Executive Session in accordance with North Carolina General Statute 143-318.11(a) (3) attorney/client privilege and 143-318.11(a) (4) to discuss matters relating to the location or expansion of industries or business.

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

The minutes of the Executive Session will remain sealed until approved for public inspection by the Board of Commissioners.

Eddy Goodwin
Chairman

L. Susanne Stallings
Clerk to the Board

(SEAL)