

Regular Meeting  
March 5, 2007

The Chowan County Board of Commissioners met in regular session on Monday, March 5, 2007, at 9:00 a.m. in the Panel Room of the 1767 Courthouse.

Present: Jimmy Alligood, Louis Belfield, Ralph Cole, Jerry Downum, Bill Gardner, Kenny Goodwin, Harry Lee Winslow.

Chairman Ralph Cole called the meeting to order and Commissioner Goodwin presented the invocation.

#### Consent Agenda

By motion of Commissioner Downum, the Consent Agenda was approved, including the February minutes and the following budget amendments and Tax Releases.

Ayes 7

No 0

#### Budget Amendments

4930 Planning/Inspections	increase	\$200,000	NC Housing Finance Agency Fund for Single Family Rehab Program
4268 Sr Center	increase	\$ 6,565	Aging grants
4268 Sr Center	increase	\$ 1,786	Albemarle Commission Grant for Senior trips
5333 DSS	increase	\$ 6,000	Smart Start Daycare Funding
5345 DSS	increase	\$ 7,204	day care funding
5321 DSS	increase	\$ 2,500	day care funding

#### Tax Releases

JE Nowell	\$101.26	listed in County
MM Wright	\$160.96	traded vehicle
Refunds		
JL Droze	\$108.79	vehicle sold
AH Harrell	\$171.36	lot priced incorrectly

#### Secondary Roads Program

Division Engineer Anthony Roper and other representatives from the North Carolina Department of Transportation presented the proposed road improvements plan for secondary roads in Chowan County. Sycamore Road, Hidden Cove Road, Pasquenoque Trail and Oneida Trail will receive grade, drain, base and pave improvements in the 2007 allocation of \$246,000.

The public hearing was closed and the regular meeting reconvened by the Chairman. By motion of Commissioner Alligood the following resolution was approved to accept the plan as presented by Mr. Roper.

Ayes 7

No 0

#### Resolution

WHEREAS, the Chowan County Board of Commissioners, meeting in regular session on Monday, March 5, 2007, met with representatives of the North Carolina Department of Transportation; and,

WHEREAS, the DOT representatives presented the proposed Secondary Roads Improvement Program for 2007, including improvements to Sycamore Road, Hidden Cove Road, Pasquenoke Trail and Oneida Trail.

NOW, THEREFORE, the Chowan County Board of Commissioners, by this Resolution, approves the 2007 Secondary Roads Program as submitted by the North Carolina Department of Transportation.

Adopted today, March 5, 2007.

Nancy B. Morgan, County Clerk

#### Herring Fishing

Jimmy Owens, Stanley Tynch, Carroll Tynch and Dossey Pruden spoke concerning the moratorium placed on herring fishing by the North Carolina Division of Marine Fisheries. The DMF has allocated an 8000-pound catch over two days as a research quota. This catch will also allow for fish for the Martin County celebration.

Mr. Owens stated that the DMF issued a moratorium for 15 to 26 years for repopulation, therefore, the herring fishing industry and its heritage is lost. He said that like rock fishing, where now a fisherman can keep two fish per day, once DMF closes the herring fishery, it will not be opened again. He said that other counties are taking this moratorium very seriously and asked that Chowan County join the other counties in the River area to support the herring fishermen.

Mr. Pruden said that he served on the original fishery management committee and a plan was proposed for 100,000 pounds quota, and stated that 100,000 pounds is not going to save or destroy the herring population.

Stanley Tynch said that the fishermen are not looking for a fight, that they are asking for protection of the herring fishing industry and its heritage. He noted that the migrating herring is still being fished in Virginia and South Carolina.

Carroll Tynch said that Chowan County still has a hand-full of commercial fishermen still trying to survive, and of all the counties with a cultural heritage of herring fishing, Chowan County is the most well-known. He asked that the Chowan County Commissioners please support commercial fishing, that the Commissioners' cooperation is desperately needed.

Commissioner Alligood made a motion that the County submit a letter to the County's legislative delegation and to the Governor soliciting their support to review the moratorium.

Ayes 7

No 0

#### Albemarle Mental Health Center Business Plan Review and Letter of Support for a Crisis/Detoxification Facility

Sandra Jordan-Leigh and Lee Walton presented the Albemarle Mental Health Center's Local Business Plan for review. The AMHC now serves a ten-county area where there are no hospitals or independent institutions to provide crisis or detoxification services, and very few private providers who will accept Medicaid patients. The business plan proposes the construction of a nine-bed facility for crisis and detoxification services, with a proposed location for construction on the Martin County Hospital property.

Commissioner Allgood made a motion that the letter of support for funding be submitted to the State Division of Mental Health.

Ayes 7

No 0

#### Rezoning Request from Dossey and Mark Pruden, 405 Soundside Road

County Attorney Peter Rascoe and Planner Wes Haskett presented an application for rezoning from Dossey and Mark Pruden for property at 405 Soundside Road, from A-1 agricultural to B-1 General Business. Mr. Rascoe stated that the Board of Commissioners will be required to make findings that the requested rezoning will advance the public's health, safety and welfare, and also that the rezoning is consistent with the current land use plan.

Mr. Haskett described the property and the surrounding uses, with a mixture of agricultural, industrial and residential, with the Cape Colony subdivision to the south of the property. Albemarle Baptist Church is adjacent to the property. The Prudens' request is for B-1 General Business, which is mixed uses of commercial and small business. The Planning Board has considered this request and recommends its approval.

The applicant, Dossey Pruden, spoke, saying that he has no specific or immediate plans for the property at this time, other than to continue farming. He believes that its location five miles from Edenton on Highway 94 is well-suited to small business and commercial development.

The meeting was recessed and the Chairman declared a public hearing to receive comment on the proposal.

Janet McKenzie spoke, citing concerns about the lack of architectural design guidelines in the zoning ordinances, about the broad range of uses in the B-1 classification, including such uses as a truck stop or a billiard parlor. She also questioned the expertise of the Planning Board to handle rezoning questions, saying that the members are not trained to address such a complex issue.

Ed Britt said that the Planning Board did not ask enough questions, such as about setbacks, landscaping, signs, light and noise pollution, and its close proximity to the church and the residential area. He stated, "We have a beautiful place here and I don't want to see the mistakes made like in other communities."

Gary Roth said that he has only one way in and out of his property at Edenton Bay and he is concerned that there is not a plan to address the additional traffic on Soundside Road.

Greg Brinson is concerned about the wide range of uses that a B-1 classification gives the landowners for the property adjacent to the Albemarle Church and the residential neighborhood.

Nancy Wood asked that the Commissioners consider the additional traffic that could result from the rezoning, and the unsafe condition already existing at the intersection from the Cape Colony subdivision, the varied and possibly undesirable uses that the B-1 classification allows and also, the lack of architectural guidelines for construction.

Paul Peterson said that the County needs to ask more questions and do more planning before moving on this issue, to address noise, light pollution and traffic issues. He said that road improvements need to be made prior to any rezoning that will increase traffic on Soundside Road.

Dossey Pruden responded that he was the first to support zoning in the County, and assured the Commissioners that he will do nothing on the property that will embarrass the County or threaten the welfare of the community.

County Manager Cliff Copeland stated that he would be remiss not to respond to the question of the Planning Board's ability to address the rezoning question. He said that the Planning Board, the County staff, the Commissioners, everyone, is new to the zoning and rezoning business, and everyone is working together to make zoning work for the best of the community. He said that the Planning Board has received extensive education on the matter and worked hard to lead the effort to educate the community and themselves on the workings of a zoned community. Mr. Copeland said that the County is fortunate to have an excellent and very conscientious Planning Board and its members are to be commended for their work.

The public hearing was closed and the regular meeting reconvened by the Chairman. Commissioner Alligood made a motion that the Board of Commissioners find that the rezoning of the property at 405 Soundside Road:  
advances the health, safety and welfare of the public; and  
is compatible with the current land use plan; and  
that the Commissioners approve the rezoning as recommended by the Planning Board.

Ayes 7

No 0

#### Grand Jury Report

The recent Grand Jury Report was presented for information to the Commissioners and Mr. Copeland noted that this report reflects the good job being done by Sheriff Goodwin and his staff.

#### Public Hearing – 2007 CDBG Scattered Site Housing Application

Consultant Carolyn Morris presented the County's proposed 2007 CDBG application for its second public hearing, as required by the guidelines of the Department of Commerce. The meeting was recessed and a public hearing declared by the Chairman. No comments were offered by the public and the regular meeting was reconvened.

Ms. Morris requested that a CDBG Advisory Committee be appointed to select and prioritize applicants, and monitor the project activities and accomplishments. The following persons have agreed to serve: former CDBG recipient Virginia Williams, Commissioner Louis Belfield, Councilman Willis Privott, Building Inspector Holly Colombo, and June Britt, representing the Economic Improvement Council.

Commissioner Goodwin made a motion that the committee as named be appointed.

Ayes 7

No 0

#### Local Option Sales Tax for Education

Commissioner Gardner moved that Chowan County join other counties in support of a request to the General Assembly that it authorize counties to enact a local option sales tax to fund public school capital outlay needs, as follows.

Ayes 7

No 0

#### Resolution Local Option Sales Tax for Education

WHEREAS, North Carolina is the only state that requires its counties to pay a fixed percentage of the state's Medicaid services costs; and,

WHEREAS, the counties' share of Medicaid services costs is expected to eclipse \$517 million during the 2007-08 fiscal year; and,

WHEREAS, counties are not allowed to set Medicaid policy, eligibility criteria, service options or provider rates; and,

WHEREAS, it is estimated that in the 2007-08 fiscal year Chowan County will spend \$1,491,755, or approximately seven percent of its expenditures for services to Medicaid eligible citizens; and,

WHEREAS, in Chowan County 9.5 cents of tax rate goes to support Medicaid and twenty-one percent of the populations is Medicaid eligible; and,

WHEREAS, the Department of Public Instruction's School Planning section 2006 Long Range Facility Plans recently identified \$9.7 billion of school facility needs over the next five years; and,

WHEREAS, the county Medicaid mandate is compromising Chowan County's ability to meet the demands for new classroom space and fund other critical infrastructure needs; and,

WHEREAS, a one-half cent local option sales and use tax could generate \$480,000 for Chowan County to help meet the demands for new classroom space and classroom improvements and fund other critical infrastructure needs.

NOW, THEREFORE, BE IT RESOLVED that the Chowan County Board of Commissioners urges the North Carolina General Assembly to authorize Chowan County to enact a local option one-half cent sales and use tax to be used for public school capital outlay purposes.

FURTHER, BE IT RESOLVED, that copies of this Resolution be transmitted to the member of the General Assembly representing Chowan County.

Adopted today, March 5, 2007.

Nancy B. Morgan, County Clerk

#### Statewide Referendum for a Bond Issue for School Facility Needs

By motion of Commissioner Gardner, the County joined other counties in its support of the following resolution requesting consideration of a statewide referendum for a bond issue to fund school facility needs, as follows.

Ayes 7

No 0

#### Resolution Statewide Referendum for a Bond Issue for School Facility Needs

WHEREAS, North Carolina has the fourth fastest growing elementary school population in the nation; and,

WHEREAS, the Department of Public Instruction's School Planning section 2006 Long Range Facility Plans recently identified \$9.7 billion of school facility needs over the next five years, and \$30,000,000 in needs in Chowan County; and,

WHEREAS, the state's mandate that counties pay fifteen percent of North Carolina's Medicaid share mandate is projected to cost Chowan County roughly \$1,400,000 during the 2007-08 fiscal year, compromising the county's ability to meet the demands for new classroom space and fund other critical infrastructure needs; and,

WHEREAS, the North Carolina Education Lottery is projected to provide just \$140 million statewide for county school capital needs, and just \$285,638 for Chowan County; and,

WHEREAS, a priority goal of the North Carolina Association of County Commissioners is to support legislation to provide state assistance to meet school construction needs caused by increased enrolment and mandated reduction in class size, through a statewide referendum on a bond issue and/or through authority for counties to raise additional revenues to meet school facility needs; and,

WHEREAS, the North Carolina Department of Public Instruction found the statewide average to construct a new school in 2006 to cost more than \$146 per square foot – up from the \$96.23 average in 2003.

NOW, THEREFORE, BE IT RESOLVED that the Chowan County Board of Commissioners urges the North Carolina General Assembly to hold a statewide referendum on a bond issue for school facility needs.

FURTHER, BE IT RESOLVED, that copies of this resolution be transmitted to the members of the General Assembly representing Chowan County.

Adopted today, March 5, 2007.

Nancy B. Morgan, County Clerk

#### Medicaid Relief for Counties

Commissioner Gardner made a motion that the following resolution be approved requesting relief of Medicaid costs to counties.

Ayes 7

No 0

#### Resolution

##### Medicaid Relief for Counties

WHEREAS, Chowan County pays \$1,241,398 or seven percent of its expenditures for services to Medicaid eligible citizens; and,

WHEREAS, the counties share of Medicaid reimbursements has increased ninety-six percent since 2000 and is projected to total more than \$517 million during the 2007-08 fiscal year; and,

WHEREAS, North Carolina is the only state in the nation that requires counties to pay a fixed share of all Medicaid services costs.

NOW, THEREFORE, BE IT RESOLVED that the Chowan County Board of Commissioners urges the North Carolina General Assembly to provide immediate Medicaid relief to Chowan County.

FURTHER, BE IT RESOLVED that copies of this resolution be transmitted to the members of the General Assembly representing Chowan County.

Adopted today, March 5, 2007.

Nancy B. Morgan, County Clerk

#### Human Resources Committee Report

##### Amendment to County Personnel Policy

Commissioner Allgood presented a report from the Human Resources Committee, including an initiative to reduce the number and costs of Workers Compensation claims. Commissioner Belfield made a motion that the County Personnel Policy be amended to include: "An employee absent from duty because of injury, illness or disability covered by the NC Workers' Compensation Act may NOT elect to use accumulated vacation and sick leave as a supplemental payment for the difference between his/her regular salary and the payments received under the Workers' Compensation Act. Employee medical, dental and life benefits will continue. Voluntary deductions such as family medical, dental, vision, AFLAC and the like must be paid by the employee. Contributions to the

Local Government Employees Retirement System will cease while an employee is out on Workers' Compensation. Family Medical Leave policy does apply when an employee is out under Workers' Comp."

Ayes 7

No 0

#### Return to Work Policy

Commissioner Alligood made a motion that a Return to Work Policy be attached to the Personnel Policy as Attachment F, which describes the County's commitment to promote a smooth and timely transition from an injured state to a state of wellness and regained ability to perform the essential functions of the job requirements.

Ayes 7

No 0

Recreation Department Director Robbie Laughton said that the final drawings for the Red Banks Farm design is expected to be ready for presentation at the next meeting.

DSS Director Ben Rose distributed a copy of estimates for County Medicaid expenses for 2007, of \$1,474,000, including \$500,000 for mental health services.

He announced that Chowan County will be one of the pilot counties where child support benefits will be distributed by debit cards.

#### Fisher Field Lighting

The Recreation Department will be hosting a regional little league tournament this year. The twenty-five year old lights need replacing and Robbie Laughton presented bids to replace the lights at Fisher Field. After a review by Mr. Laughton and Mr. Rascoe, it was determined that the low bidder, E&R Inc from Kinston, did not meet the bid specifications. The next low bidder, Walter Holmes Electric from Dunn, did meet the specifications.

Commissioner Alligood made a motion that the qualifying bidder, Walter Holmes Electric, be awarded the bid to provide new lighting to Fisher Field.

Ayes 7

No 0

The replaced lights and poles will be donated to the Rocky Hock Ruritans.

#### Public Comment

Ed Britt said that "I hope my comments about the Planning Board are not taken the wrong way." He said he watched the Planning Board struggle and work hard, and that the Planning Board needs more tools to work with. He asked if all developers are paying park fees.

Resolution – Mosquito Control

By motion of Commissioner Downum, a resolution to designate County official, County Manager Luther C Copeland, to sign papers and to otherwise represent the Board of Commissioners in connections with mosquito control was approved.

Ayes 7

No 0

Manager's Report

Mr. Copeland reported that he and Mrs. Jones are reviewing the audit numbers and requested authorization to submit the audit to the State. Commissioner Downum moved that the County authorize submission of the audit to the State.

Ayes 7

No 0

Mr. Copeland expressed appreciation to Carrie Byrum, Doug Belch, Ben Rose and Lisa Jones for their work to get the Worker's Compensation package completed.

Retirement Announcement – Nancy Morgan

County Clerk Nancy Morgan submitted her notice of retirement to the Board of Commissioners, to be effective May 31, 2007. Mrs. Morgan has been employed by the County since 1978 and has served as Clerk since 1988.

Mr. Copeland requested an Executive Session to discuss a matter relating to the location of an industry to be served in some capacity by Chowan County.

Mr. Copeland informed the Board of the situation, no action was requested.

The Executive Session was closed and the regular meeting reconvened. No action was necessary.

The meeting was adjourned.

Nancy B. Morgan, County Clerk