

Regular Meeting  
Monday, April 6, 2015  
**Chowan County Public Safety Center**  
**305 West Freemason St.**  
**Edenton, NC**  
**6:00pm**

Present Chairman Jeff Smith, Commissioners Keith Nixon, Alex Kehayes, Ellis Lawrence, John Mitchener, Emmett Winborne and Greg Bonner.

Staff present County Manager Kevin Howard, County Attorney John Morrison and Board Clerk Susanne Stallings.

**Regular Meeting**

Chairman Smith called the meeting to order and led all in attendance in the pledge of allegiance. Commissioner Bonner then offered the invocation.

**Approval of Agenda**

Commissioner Nixon moved to approve the agenda as presented. Chairman Smith asked for all in favor, the motion passed unanimously (7-0).

**Public Comment**

Chairman Smith called for public comment in accordance with NCGS 153A-52.1

Vero Brentjens 138 Bayview Trail Edenton, NC stated her support of the current wind ordinance. She stated the proposed amendment from the Planning Board, to the wind ordinance will make a windfarm impossible. She stated that she felt windfarms have no pollution. She stated that being from the Netherlands, where windmills are common, she feels that windmills are beautiful and will improve energy efficiency.

Ricky Jones, 405 Parker Road, New Bern, NC 28562 stated that his job is to seek businesses to utilize land owned by Weyerhaeuser. He stated that Weyerhaeuser is a good steward of the land it manages and that it has determined that wind energy projects area safe for the environment and are a good fit for the economy and the environment.

Wendy Jewett, 200 Bagley Swamp Rd stated that she is not an expert on wind energy projects, but her job is working in economic development in the area. She stated she felt it is critical for the Board of Commissioners to do its due diligence and look at good science with regards to wind energy projects. She stated that she hoped Chowan County would participate regionally in the project.

Jack Arrowood, 216 Mulberry Hill Lane, Edenton, NC stated he is retired and his work experience is in risk assessment. He stated he hoped the Board of Commissioners would adopt proposed changes from the Planning Board. He stated the current wind energy ordinance is cheap and the proposed revisions would provide protections are in place.

Brian O'Hara, 8224 Morgans Way Raleigh, NC stated that at the last Board meeting the county discussed comparing Chowan County's wind energy ordinance to other counties. He stated that if the County wished to promote rapid and aggressive wind energy projects, the ordinance is too strict. He stated that if the County wished to prohibit wind energy projects, the ordinance is too lenient. He stated that after reviewing the Planning Board's recommended revisions, he found that none of the Counties or Municipalities that were surveyed have wind energy projects in their jurisdictions. He

provided the Board with materials from NC Clean Energy on myths and facts regarding wind energy.

Chad Evenhouse 110 Sally Manor Court, Cary NC stated that he has performed environmental assessments in North Carolina through his employer. He stated that his experience is with the permitting process for wind energy projects. He stated that the process is extensive and includes both state and federal review. He stated that the process is not quick and will involve the public.

Joanie Evans 813 Johnston Street Edenton, NC stated that she is new to the area. She stated she has followed the story on the wind projects and stated her concern with the impact on wildlife and the water. She stated that the proposed location for a future windfarm project is within wetlands where protected species of birds reside. She stated that she felt the Board of Commissioners should consider the recommended changes to the wind energy ordinance as proposed by the County Planning Board.

Michael Colton 111 W Sound Shore Dr. Edenton, NC stated he was in favor of the proposed changes from the Planning Board to the wind energy ordinance. He stated he was concerned that if the County did not have a strong ordinance, it would not be able to go back once the project starts. He stated a strong ordinance would still allow for a windfarm but not one like is proposed. He stated that he was concerned with wind energy farms locating closer to Town and asked the Board to protect its citizens.

Tom Creedle 137 Osprey Drive Edenton, NC stated that if the Commissioners consider the current wind energy ordinance as adequate, they are being short sighted. He stated that Commissioners who have any property or vested interest in the project should remove themselves from consideration of the text amendment. He suggested that the Board of Commissioners give themselves 30 days to read the proposed changes from the Planning Board.

Dossey Pruden 351 Soundside Road stated that the current Chowan County Zoning Ordinance has 12 pages dedicated to cell phone towers. He stated that review for a 199' cell tower is more comprehensive than for a 600' wind turbine. He stated he supports the proposed revisions to the wind energy ordinance.

Kathy Willsey 411 West Sound Shore Drive Edenton, NC thanked the Planning Board Subcommittee for their work on proposed changes to the wind energy ordinance and stated her support of the proposed revisions to the current ordinance.

Don Gieck of Charlottesville VA stated that over a year ago the text amendment for wind energy facilities was approved by both the Planning Board and the Board of Commissioners. He stated that the Planning Board has requested a moratorium on wind energy facilities and withdrew that consideration. He stated that during the process of drafting and amendment to the current zoning ordinance, the members of the Planning Board did not contact Apex to acquire expert testimony. He stated that Apex is only interested in the land around Bear Swamp. He asked the Board to remain committed to the current wind energy ordinance as it is. He stated that Apex is committed to safe clean wind energy.

Chairman Smith recognized Representative Bob Steinburg who was in attendance of the Commissioners meeting. He asked if Mr. Steinburg wished to give any public comment on the activities of the legislature.

Representative Steinburg stated that he is doing all he can to promote economic development in the State of North Carolina with particular interest in Northeast North Carolina. He noted of particular interest to Town residents, there is a bill to rid municipalities of Electricities because of the high utility rates that municipal customers are charged. He thanked the Board of Commissioners for all of their work in the County.

There was no further public comment.

**Consent Agenda**

Chairman Smith presented the consent agenda.

**a. Minutes**

Attached are the minutes of the March 16, 2015 and March 19, 2015 meetings for the Board’s review and consideration.

**b. Budget Amendments**

**BA1415-037**

Account Code	Description	Old	+ or (-)	New
11-3990-990-00	Fund Balance Appropriation	(1,192,950.18)	(10,000.00)	(1,202,950.18)
11-4730-605-00	Hydrilla Eradication	10,000.00	10,000.00	20,000.00
<b>Balanced:</b>		<b>(1,182,950.18)</b>	<b>-</b>	<b>(1,182,950.18)</b>
<b>Justification:</b>				
<i>Per Board's earlier discussion, bring forward the FY14 monies set aside for Hydrilla</i>				

**BA1415-038**

Account Code	Description	Old	+ or (-)	New
12-3531-230-01	Social Service Admin	(1,472,002.00)	(121.00)	(1,472,123.00)
12-5380-539-31	Share the Warmth	-	121.00	121.00
<b>Balanced:</b>		<b>(1,472,002.00)</b>	<b>-</b>	<b>(1,472,002.00)</b>
<b>Justification:</b>				
<i>Budgeting additional federal appropriation</i>				

**BA1415-039**

Account Code	Description	Old	+ or (-)	New	
23-4340-440-00	Cont Svcs - Housekeeping	4,000.00	(1,100.00)	2,900.00	
23-4340-184-00	Firemens Pension Fund	4,000.00	1,100.00	5,100.00	
		<b>Balanced:</b>	<b>8,000.00</b>	<b>-</b>	<b>8,000.00</b>
<b>Justification:</b>					
<i>Per Center Hill Crossroads request</i>					

**BA1415-040**

Account Code	Description	Old	+ or (-)	New	
11-4350-321-00	Telephone & Postage	2,250.00	(100.00)	2,150.00	
11-4350-125-00	Cellphone - Stipend	-	100.00	100.00	
		<b>Balanced:</b>	<b>2,250.00</b>	<b>-</b>	<b>2,250.00</b>
<b>Justification:</b>					
<i>Opted for a Cellphone Stipend rather than carry a county cellphone</i>					

**BA1415-041**

Account Code	Description	Old	+ or (-)	New	
11-3839-890-00	Misc. Revenue	(27,500.00)	(5,762.00)	(33,262.00)	
11-4910-126-00	Salaries & Wages - Part-time	-	5,352.00	5,352.00	
11-4910-181-00	Fica Tax	-	410.00	410.00	
		<b>Balanced:</b>	<b>(27,500.00)</b>	<b>-</b>	<b>(27,500.00)</b>
<b>Justification:</b>					
<i>Budgeting for a part-time Planner</i>					

**c. Tax Collections Report and Tax Refund/Release Report**

Smith, J.L.	\$630.86	Double taxed
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Commissioner Mitchener moved to approve item A with no corrections. Chairman Smith asked for all in favor, the motion passed unanimously (7-0).

Mr. Howard reviewed the budget amendments.

Commissioner Kehayes moved to approve the budget amendments as presented. Chairman Smith asked for all in favor, the motion passed unanimously (7-0).

Chairman Smith noted the name on item c of the consent agenda was of no relationship to him.

Commissioner Kehayes moved to approve the tax collections report and tax releases as presented. Chairman Smith asked for all in favor, the motion passed unanimously (7-0).

**East Carolina Behavioral Health – Consolidation Proposal and Resolution**

Chairman Smith stated that at the last meeting representatives from East Carolina Behavioral Health provided the Board with a PowerPoint and information regarding a proposed consolidation of Coastal Care and East Carolina Behavioral Health and the creation of an area board. He noted that the Board deferred consideration of this resolution for an alternative governance structure for the area authority to the April 6, 2015 meeting. He stated that there were concerns with the regional board terms but after further review, the terms are shorter for the area board, the regional board has no limit.

Commissioner Kehayes stated that he was concerned with the terms for the regional board. He stated that he hoped the regional board will have more authority and will have the opportunity to stay on the board with some longevity to have institutional knowledge.

Commissioner Kehayes moved to approve the resolution.

Commissioner Mitchener stated his concern with the area board appointment and stated he did not like the term limits on the area board.

Commissioner Kehayes stated he also had the same concern however he felt that if the Board rejected the resolution, it would not stop the creation of the new structure for the area mental health authority.

Chairman Smith asked for all in favor of the motion, the motion passed (6-1 Mitchener)

**Resolution of Support for an Alternative Governance Structure for the Area Authority  
serving Chowan County**

**WHEREAS**, in accordance with N. C. General Statute § 122C – 115 (c1), the Area Board of CoastalCare, an Area Authority serving Brunswick, Carteret, New Hanover, Onslow and Pender Counties and the Area Board of East Carolina Behavioral Health, an Area Authority serving Beaufort, Bertie, Camden, Chowan, Craven, Currituck, Dare, Gates, Hertford, Hyde, Jones, Martin, Northampton, Pamlico, Pasquotank, Perquimans, Pitt, Tyrrell, and Washington Counties, have entered into an agreement to consolidate their agencies into a twenty-four county Area Authority serving all previously names counties; and

**WHEREAS**, the Secretary of the N. C. Department of Health and Human Services has approved this consolidation, as required by law; and

**WHEREAS**, N. C. General Statute § 122C – 118.1, which specifies the composition of an Area Authority Board, pennits an alternative Area Board structure to be implemented 1) if the total population of the Area Authority catchment area exceeds 1,250,000 and 2) if the counties which comprise the Area Authority agree by resolution to an alternative structure; and

**WHEREAS**, the total population of the new Area Authority created by the consolidation of CoastalCare and East Carolina Behavioral Health is 1,260,778; and

**WHEREAS**, it is in the best interest of the residents of the twenty-four counties to approve an alternative governance structure for the consolidated Area Authority;

**NOW, THEREFORE, BE IT RESOLVED**, that we, the Chowan County Board of Commissioners, do hereby approve the structure of the Area Board and the Regional Advisory Boards of the consolidated Area Authority, as outlined below.

To provide a local presence in the counties served and to assure that each county has input into the services received by its residents, the twenty-four county catchment area will have three regions. The regions have been designed to equalize, to the extent possible, the number of counties, population in the region, and overall square mileage of the regions. The three regions and the counties served are:

Northern Region: Bertie, Camden, Chowan, Currituck, Gates, Hertford, Martin, Northampton, Pasquotank and Perquimans Counties.

Central Region: Beaufort, Craven, Dare, Hyde, Pamlico, Pitt, Tyrrell and Washington Counties.

Southern Region: Brunswick, Carteret, Jones, New Hanover, Onslow and Pender Counties.

The counties in each region will appoint two members to the Regional Advisory Board: one county commissioner or designee and another individual who meets the requirements outlined in N. C. G. S. § 122C – 118.1 (b). In addition, the Regional Advisory Board will include the Chair

or designee of the regional Consumer and Family Advisory Committee. County Commissioner members of the Regional Advisory Boards may serve for as long as they are a commissioner.

Other members of the Regional Advisory Board may serve for up to three, three year consecutive terms.

The primary functions of the Regional Advisory Board will be to advise the Area Authority Chief Executive Officer on the evaluation and hiring of a Regional Director; recommending priorities for expenditure of state and county funds for development of the annual budget; determining local priorities for inclusion in the overall strategic plan; identifying community needs and concerns; monitoring resolution of issues; and monitoring performance at the local level, including access to care, expenditure of service funds, number of consumers served, services delivered, provider network size and composition, outcomes, and consumer satisfaction.

Each Regional Advisory Board will establish its own bylaws based on local needs, but in compliance with standardized requirements established by the Governing Board for quorums, frequency of meetings, elections of officers, duties of members, committees and committee appointments, and attendance standards. Such bylaws are subject to the approval of the Governing Board.

Each Regional Advisory Board will select four (4) members to serve as the Area Authority Governing Board: one county commissioner, the Consumer and Family Advisory Committee chair or designee, and two other members. In addition, the chair or designee of the Area Authority Network Council shall serve on the Governing Board as a non-voting member. The county commissioner members of the Governing Board shall serve one three year term without consecutive reappointment, so that commissioner representation on the Governing Board will rotate among the counties in each region. The other members of the Governing Board may serve three, three year terms.

The Governing Board's primary responsibilities will include determining policy; strategic planning, including consideration of local priorities as determined by the Regional Advisory Boards; budgets; hiring and evaluations of the Chief Executive Officer; monitoring of deliverables, including overall performance and financial management; government affairs and advocacy; reporting to constituent counties; responding to concerns and feedback from the Regional Advisory Boards; reviewing, revising and approving the Regional Advisory Board bylaws; and all other responsibilities outlined in N. C. law for Area Authority Boards. The Governing Board will develop and adopt bylaws to address its activities in accordance with law.

### **Planning Board Report**

Chowan County Planning Board Chairman Lou Sarrat stated that the Planning Board met on Thursday, April 2, 2015 and has provide a recommendation to the Board of Commissioners regarding their recommendation of an amendment to the Chowan County Zoning Ordinance regarding Wind Energy Facilities. He stated that a majority of the Planning Board members felt the current wind energy ordinance did not provide adequate criteria. He stated the Planning Board was given a 30 day period to develop a recommendation regarding any changes to the Ordinance. He stated that he would also like to announce to the Board of Commissioners that at

the time a new Planner is hired for the Planning Department, he intends to step down as a Board member of the Planning Board. He called on fellow Planning Board member, Jim Robison to provide a PowerPoint presentation of the Planning Board sub-committee recommendation regarding changes to the existing wind facility ordinance.

A copy of the PowerPoint presentation is in the meeting file labeled April 6, 2015.

Mr. Robison noted that a sub-committee of the Planning Board was appointed, he stated that members of the sub-committee were Patti Kersey, Jim Leggett and Jim Robison. He stated that the committee determined that the existing ordinance was based solely on the developer's recommendations. He stated that a review is necessary to ensure the Ordinance addresses all aspects of a wind energy facility to protect the health, safety and welfare of Chowan County residents. HE stated that due to time constraints the committee focused on wind ordinances from communities that had put time and effort into writing laws that protect citizens. He stated that the sub-committee compared property value protection, setbacks, acoustical limits, environmental evaluations, decommissioning rules and escrow accounts. He stated many of the ordinances reviewed considered property value guarantees for adjoining properties, setbacks (of one mile), maximum height, acoustical limits, environmental protections, decommissioning (implementation of bonds) and escrow accounts. He stated the committee recommends the following items be considered in an amendment to the wind energy ordinance:

- **Require a property value guarantee**
- **5,280 foot setback from all non-participating property lines**
- **Acoustical limit of 35 dBA at all non-participating property lines**
- **Incorporate the best practices found in the ordinance review for protection of the environment**
- **Strengthen decommissioning requirements**
- **Require a developer funded escrow account to pay all county expenses**

Mr. Robison stated the sub-committee also rated the current Chowan County Ordinance against other ordinances and in the opinion of the sub-committee, Chowan rated very low. He noted that the sub-committee feels that state and federal regulations do not address health impacts, home value depreciation and wildlife protection. He stated that it is up to the Commissioners to address and protect Chowan County's health, safety and welfare.

Chairman Smith stated that before there was more discussion he would like to thank Mr. Sarratt for his service to the County Planning Board.

Commissioner Winborne requested that Ms. Stallings read the motion from the March meeting where the Planning Board was tasked to provide a recommendation.

Ms. Stallings read the motion from the March 2, 2015 meeting. "Chairman Smith moved to direct the Planning Board to provide the Board of Commissioners with a full recommended text amendment, based on expert testimony (on both sides) to be given to the Board of Commissioners within 30 days."

Mr. Winborne stated that he felt the sub-committee only used testimony from the opposing side of wind energy. He asked why there was no testimony from the pro wind energy side.

Mr. Robison stated the committee was only allowed 30 days to form a report.

Commissioner Winborne stated he felt the committee did not follow the intent of the Board.

Mr. Robison stated he felt the committee needed at least 90 days.

Commissioner Winborne stated he would like to see expert testimony that the property values would decrease from the wind turbines.

Mr. Robison stated he would provide that evidence.

Commissioner Winborne asked if any of the Counties that the subcommittee surveyed have windmills in their jurisdiction.

Mr. Robison stated that was irrelevant. He stated the communities protect their residents.

Commissioner Winborne stated he felt the sub-committee should have picked counties with windmills.

Commissioner Winborne asked the Board to reference a letter from the County Attorney, John Morrison regarding the review by DENR of windfarms. (A copy of the letter is in the meeting file labeled April 6, 2015.

Mr. Robison stated that DENR provides the review steps but does not set requirements he stated this is done by unelected bureaucrat.

Commissioner Winborne stated he felt that State agencies do protect local residents.

Mr. Robison stated he felt the procedure does not protect the residents.

Commissioner Winborne stated that if the County moves forward with the ordinance as written, could they at a later date make changes to the ordinance.

Mr. Morrison stated that if an application was already received and processed no. He stated that once an application has been received and the requirements of the ordinance have been established, the ordinance should not be changed in the middle of the game. He stated the best time to amend the ordinance is before an application is received. Mr. Morrison did provide some clarification to the statements in his DENR review letter that an application does require DENR review but it does not have to be before the Commissioners review it.

Commissioner Mitchener asked for clarification from Mr. Robison on the review process by DENR being insufficient.

Mr. Robison stated the problem is that the review only establishes steps. He stated the review is done by a bureaucrat with no association to the county and they issue a permit.

Commissioner Winborne asked what was the vote from the Planning Board on the proposed text amendment.

Mr. Robison stated 4 members voted yes and 3 members voted no. He noted that one member abstained from voting which counted as a yes vote.

Commissioner Winborne stated he did not consider the text amendment a mandate from the Planning Board. He stated that the Board of Commissioners does protect the health, safety and welfare of its residents. He stated the County addresses all of these matters especially during the budget process and he provided examples (Sheriff Budget, Schools etc.). He stated he did not appreciate anyone accusing the Board of Commissioners of not taking that charge seriously.

Commissioner Winborne stated his concern with one mile setbacks for all directions. He stated a lot would require 2 square miles per windmill.

Commissioner Kehayes stated he would like to discuss the Planning Board vote. He stated that the two members who voted no also complained about windmills. He stated he felt the Board of Commissioners' set time constraints that were not practical and he stated that the time constraint was the source of two of the no votes.

Commissioner Bonner stated he appreciated the work of the Planning Board. He stated he felt this matter was worth looking into to find a balance that both sides can live with. He stated he had concerns also with the criteria identified by the sub-committee. He stated he hoped the developer would also be willing to look into modifying an application to address some of these concerns.

Mr. Morrison explained the procedure for adopting a text amendment.

Commissioner Kehayes stated that he has seen the problems that occurred from the Riversound Phase I development. He stated that is an example of the County being stuck with problems from a development. He stated that the County needs protections and he feels that the County should not cater only to a developer. He stated he has strong feelings about some of the criteria identified by the sub-committee and he felt the Board owed the citizens consideration of a text amendment. He stated he hoped the Board could make reasonable adjustments.

Commissioner Nixon stated that he asked if the Board would face any legal problems with a text amendment at this time.

Mr. Morrison stated no, the developer has not filed an application.

Commissioner Nixon stated that was a different opinion than the Board was previously given regarding a developers vested rights. He asked how the Board of Commissioners would address concerns at the point an application comes before them if there is evidence of a negative impact.

Mr. Morison stated that the Board of Commissioners is charged to consider the criteria outlined in the zoning ordinance for a Conditional Use Permit. He stated the Board of Commissioners is also authorized to establish criteria beyond the zoning permit. Mr. Morrison noted that a Text Amendment is a political decision made by the Board of Commissioners. He stated a conditional use permit hearing of an application is a quasi-judicial hearing and it is evidence based only. Mr. Morrison noted that the Board of Commissioners has not been provided with legally drafted language for an ordinance text amendment. He stated this would be tasked for a Planner to complete.

Commissioner Nixon stated that Mr. Robison stated that the Pasquotank ordinance was studied for over a year. He asked why the sub-committee did not survey Pasquotank County as part of their report.

Mr. Robison stated that Pasquotank and Perquimans Counties have similar ordinances to Chowan County. He stated the committee did choose two counties in North Carolina that have strong ordinances.

Commissioner Nixon questioned the use of a sub-committee to study the ordinance and make a recommendation.

Mr. Robison stated it was discussed by the Planning Board and decided because there would be so many meetings of the Planning Board that require 48 hours' notice, that would limit the amount of meetings that the Board could hold.

Mr. Morrison noted that he recommended the Planning Board form the sub-committee for that very reason.

Commissioner Nixon stated that the Board of Commissioners often has to make tough decisions. He stated he did not want to label all developers as bad. He stated that developers take a risk and make an investment. He stated that he has not looked at potential revenues generated by a wind farm. He stated that Apex has not submitted an application to the County. He stated that he researched the text amendment that was approved in 2013 and called several jurisdictions to see how they handle these types of applications. He stated that he learned that these cases are controversial wherever you go.

Commissioner Lawrence stated he felt the Planning Board was not given enough time to research the pros and cons of an amendment thoroughly.

Chairman Smith stated that the general statutes (NCGS 143-215.115-116) is an act to establish a permitting process. He stated that a section of the statutes provides a chapter that provides criteria for permits to fail.

Mr. Robison stated there is no criteria for approval or disapproval.

Chairman Smith asked Mr. Robison if he felt that state bureaucrat protect the citizens of Chowan County.

Mr. Robison stated no.

Chairman Smith stated that when the original text amendment was brought forward it was sent back to the Planning Board to review decommissioning and setbacks.

Planning Board member Patti Kersey stated that that ordinance in 2013 was not unanimously approved by the Planning board.

Chairman Smith stated he felt that the State of North Carolina does care about Chowan County residents. He stated that there is an ordinance in place and general statutes also governing the matter. He stated that he would again say that the Board is putting the cart before the horse. He stated that the criteria identified by the Planning Board should be considered at the time of a conditional use permit application not for a text amendment.

Mr. Robison stated his concern was that the developer could submit an application.

Mr. Morrison stated that if the Board is convinced by evidence presented at the application time, that the project would not negatively impact health safety or welfare of residences, they may reject the permit request.

Chairman Smith noted that the Board has received 12 emails from the public which will be included in the meeting file labeled April 6, 2015.

The Board discussed what motion would be needed if it wished to proceed with a text amendment.

Mr. Morrison explained the Board would want to instruct the staff to draft a text amendment and advertise public hearings in accordance with the zoning ordinance.

Commissioner Kehayes stated he would like to make that motion.

Commissioner Winborne stated his appreciation for the work of Representative Steinburg who was in the audience. He stated that he felt the report from the sub-committee is tainted with two of the committee members being known as anti-wind energy and he felt the report was biased. He stated that the subcommittee did not request expert testimony in its report and during the process, information was withheld from other Planning Board members. He stated that the

County will have the final say on the application and if they are not satisfied they can address their concerns at the application time.

Commissioner Kehayes withdrew his motion.

Commissioner Kehayes moved to maintain the current ordinance.

Commissioner Kehayes then requested that the Board members discuss their feelings about the process. He asked if the Board wished to disregard the recommendation from the Planning Board and not modify the existing ordinance.

Commissioner Kehayes withdrew that motion.

Being no further action or motions on the matter, Commissioner Winborne recommended that the Board consider the next item on the agenda.

Chairman Smith noted the report from the sub-committee of the Planning Board was accepted. He then called for a five minute recess.

Chairman Smith called the meeting back to order.

### **Convenience Sites**

Commissioner Nixon stated that he wished to pass on a discussion from the last solid waste Board meeting regarding the Swap Shops at the Convenience sites. He stated that there are concerns from convenience site management that items in the swap shops are being re-sold. He stated that he did not have a recommendation to the Board about closing the swap shops in Chowan County but rather wanted to hear the opinion of the full Board.

Commissioner Winborne stated he has no concerns with the swap shop as often good items are left for the public to pick up if needed/wanted.

Commissioner Mitchener asked if there is a problem with parking at the convenience site.

Commissioner Nixon stated that each site has different issues.

Chairman Smith stated he did not have any concerns with the swap shops.

Commissioner Nixon stated he did not want to vote on this matter without consent of the Board of Commissioners. He stated that staff may bring this up for a vote of the Solid Waste Board and he would not recommend removal of the swap shops at this time. He stated that he may wish to review later or bring an alternative idea to the Commissioners later.

### **Resolution- Sunday Hunting**

Chairman Smith stated that the Board is asked to consider a resolution from the NC Sporting Dog Association, Inc. in opposition to Sunday hunting in North Carolina Senate Bill #658. He stated he supported the resolution in opposition to Sunday hunting.

Commissioner Kehayes moved to approve the resolution. Chairman Smith asked for all in favor, the motion passed unanimously (7-0).

### **Resolution in Opposition of Sunday Hunting**

**WHEREAS**, Sunday is a day of rest and a religious “holy” day, or day set apart, for many of our residents; and,

**WHEREAS**, Sunday is a family day for many of our resident families; and,

**WHEREAS**, our local culture has a history of honoring and valuing The Ten Commandments and the specific commandment to remember the Sabbath and keep it holy, or set apart; and,

**WHEREAS**, we have many outdoor enthusiasts who compete with hunters for time in the woods and outdoor areas, including, but not limited to, hikers, campers, runners, cyclists, equestrians, bird watchers, and photographers; and,

**WHEREAS**, Sunday is the one day of the week during hunting season when non-hunters can safely enjoy the woods and outdoor areas used by hunters on the other six days of the week; and,

**WHEREAS**, with loss of farms and open spaces, outdoor areas are increasing valuable and sought after by all our citizens, and it is reasonable to balance access to the woods and outdoor areas.

**THEREFORE, BE IT RESOLVED** that the Chowan County Board of Commissioners opposes hunting on Sunday and the legalization of any gun hunting activities on Sunday, and urges the NC General Assembly to defeat any bills proposing gun hunting on Sunday.

### **MOA Courthouse Green**

County Manager Kevin Howard stated that the County currently does not have an agreement in place for the Courthouse Green. He stated the attorney for the County has reviewed the agreement. He stated that the Board is asked to consider the attached MOA between the County and State for the Courthouse Green as requested by the State. He stated the agreement states the County will maintain the lighting at the green and carry liability insurance. It does however stated that when there are events are held on the green that are sponsored by the State, the State will carry liability insurance.

Commissioner Kehayes moved to approve the MOA.

Commissioner Nixon asked if the County pays the utility bill for the green lighting.

Mr. Howard stated he would provide that information to the Board.

Sally Francis Kehayes stated her support of the MOA. She stated that this MOA puts the current practice in writing and does not limit use.

Commissioner Nixon stated he supports the MOA because it does document ownership.

Chairman Smith asked for all in favor, the motion passed unanimously (7-0).

### **External Board/Committee Report**

Chairman Smith stated that the Board members are asked to report on the activities of the external boards to which they have been appointed.

Chairman Smith stated he and the manager attended an Economic Development conference in Currituck with the Governor that was focused on a push to support incentive programs for economic development.

Commissioner Bonner reported that there has been positive feedback from the Recreation Advisory Board on the work of the interim directors. He noted the soccer turn-out has been the largest in years.

Commissioner Nixon reported that the Health Department Board has begun the process of selling its Home Health and Hospice programs. He stated the decision has been difficult due to the impact on the employees.

Commissioner Bonner also noted that the Recreation Master Plan Survey is out for the public to provide input.

### **Manager's Report**

County Manager Kevin Howard noted that he has been requested to attend the following meetings:

- Hwy 17 Association Request \*April 8th
- I-44 Stakeholders Meeting \*April 15th

The Board by consent authorized him to attend. Chairman Smith will attend the meeting on the 15<sup>th</sup>.

### **Timely and Important Matters**

Mr. Howard stated the Board can pick up their proposed budget booklets after the meeting.

Chairman Smith stated that he would like the Manager to ask Maintenance to install the blinds soon as the summer sun will interfere with the Board meetings.

Commissioner Nixon stated he spoke with the employee of the driver's license office who is in favor of relocating to a different space in the County.

Mr. Howard stated he would attempt to contact them again to see if they are interested in County owned space.

### **Closed Session**

Commissioner Nixon moved that the Board go into closed session, in accordance with NCGS 143-318 (11) (a) (3, 5), attorney client privilege and contract negotiations. Chairman Smith asked for all in favor, the motion passed unanimously (7-0).

The minutes of the closed session are sealed.

Commissioner Nixon moved to come out of closed session, Chairman Smith asked for all in favor, the motion passed unanimously (7-0).

**Adjourn**

Being no further business, Commissioner Lawrence moved that the meeting be adjourned. Chairman Smith asked for all in favor, the motion passed unanimously (7-0).

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Jeffery Smith, Chairman

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Susanne Stallings, Clerk