

Regular Meeting
Monday, August 17, 2015
Chowan County Public Safety Center
305 West Freemason St.
Edenton, NC
6:00pm

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

Staff present County Manager Kevin Howard, Finance Officer Willie Carawan, County Attorney Lauren Womble and Board Clerk Susanne Stallings.

Regular Meeting

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

Approval of Agenda

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

Retirement Recognition

Chairman Smith noted that there is a recognition of Irene Phelps for her retirement from Chowan County Maintenance Department. Her years of service are April 16, 1996 to July 31, 2015. She was not present at the meeting. Staff will provide her with a retirement plaque.

Public Comment

Chairman Smith opened the floor to public comment in accordance with NCGS 153A-52.1

Virginia Wood 250 Greenfield Rd. stated her opinion of the windmills are unchanged (opposition). She stated that the Board's vote is important and encouraged them to remember Riversound and the problems out there.

Jeff Zillokowski 118 Lloyd Overton Ln. stated he wanted the Board to consider the proposed amendment from the Planning Board. He stated the recommendation is pro-citizen and not anti-wind. He stated there is no decommissioning clause currently on the books. He stated that only addresses salvage value. He discussed the possibility of negative property value impacts.

There was no further public comment.

Consent Agenda

- a. **Budget Amendments**
BA1516-003

Account Code	Description	Old	+ or (-)	New	
11-4110-299-00	Departmental Supplies	-	6,000.00	6,000.00	
11-9900-999-00	Contingency	53,725.07	(6,000.00)	47,725.07	
		Balanced:	53,725.07	-	53,725.07
Justification:					
<i>Moving monies from Contingency to cover the Board expenses</i>					

Mr. Carawan explained the budget amendment was for the purchase of chairs.

Commissioner Nixon stated his opposition to the budget amendment and asked why the Board could not continue to use the chairs that were in the room.

Mr. Howard stated that the Sheriff indicated the chairs that the Board was previously using was purchased with grant monies.

Board members discussed the need for chairs.

Commissioner Bonner moved to approve the budget amendment.

Chairman Smith asked for all in favor, the motion passed (5-2 Nixon, Winborne).

b. Tax Collectors Report and Refund/Release

Attached is the Tax Collectors Report through July 31, 2015. Also below for approval are the tax releases.

Williams, C.	\$199.39	Refund of pre-payments made
Wright, P.	\$9,746.33	Town purchased nuisance property

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

Public Hearing – Hazard Mitigation Plan Update

Mr. Howard noted that the Chowan County Board of Commissioners will conduct a public hearing on the final draft of the Albemarle Regional Hazard Mitigation Plan .The County, along with the Town of Edenton and the counties of Camden, Currituck, Dare, Gates, Hertford, Pasquotank and Perquimans and participating local jurisdictions and other participating partners, have completed a Regional Hazard Mitigation Plan. The purpose of this Plan is to identify and assess our community’s natural hazard risks and determine how to best minimize or manage those risks. Due to the size of the document, a copy of the draft plan is available for review on the County’s web page.

Commissioner Bonner moved to open the floor for public hearing. Chairman Smith asked for all in favor, the motion passed unanimously (7-0).

Chairman Smith asked for any public comment, there was none.

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

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

RESOLUTION ADOPTING THE ALBEMARLE REGIONAL HAZARD MITIGATION PLAN UPDATE

WHEREAS, the citizens and property within Edenton are subject to the effects of natural hazards and man-made hazard events that pose threats to lives and cause damage to property, and with the knowledge and experience that certain areas, i.e., flood hazard areas, are particularly susceptible to flood hazard events; and

WHEREAS, Edenton desires to seek ways to mitigate situations that may aggravate such circumstances; and

WHEREAS, the Legislature of the State of North Carolina, in Part 6, Article 21 of Chapter 143; Parts 3 and 4 of Article 18 of Chapter 153A; and Article 6 of Chapter 153A of the North Carolina General Statutes, has delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Legislature of the State of North Carolina, in Article 1 of Chapter 166A of the North Carolina General Statutes (adopted in Session Law 2001-214-Senate Bill 300 effective July 1, 2001), has stated in Item 6.01(b)(2): "For a state of disaster proclaimed pursuant to G.S. 166A-6(a) after August 1, 2002, the eligible entity shall have a hazard mitigation plan approved pursuant to the Stafford Act;" and

WHEREAS, it is the intent of the Town Council of Edenton to fulfill this obligation in order that the Town will be eligible for federal and state assistance in the event that a state of disaster is declared for a hazard event affecting the Town; and

WHEREAS, Section 322 of the Federal Disaster Mitigation Act of 2000 states that local governments must develop an All-Hazards Mitigation Plan and update it every five years in order to receive future Hazard Mitigation Grant Program Funds; and

NOW, THEREFORE, be it resolved that the Edenton Town Council hereby:

1. Adopts the Albemarle Regional Hazard Mitigation Plan; and
2. Vests the Town Manager with the responsibility, authority, and the means to:
 - (a) Inform all concerned parties of this action.
 - (b) Cooperate with Federal, State and local agencies and private firms

which undertaketo study, survey, map, and identify floodplain or flood-related erosion areas, and cooperate with neighboring communities with respect to management of adjoining floodplain and/or flood-related erosion areas in order to prevent aggravation of existing hazards.

3. Appoints the T o w n M a n a g e r to assure that the Hazard Mitigation Plan is reviewed annually and in greater detail at least once every five years.
4. Agrees to take such other official action as may be reasonably necessary to carry out the strategies outlined within the 2015 Albemarle Regional Hazard Mitigation Plan.

Resolution in Support of Senate Bill 369

Chairman Smith stated that the Board of Commissioners has been requested by neighboring Counties to support Senate Bill 369 an act to phase in the conversion of the local sales and use taxes to a State sales and use tax that is allocated to counties and cities on a per capita basis as a local revenue source, also known as the “Sales Tax Fairness Act”.

The Board discussed that this bill would allow for more revenues to be used towards educational funding.

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

A RESOLUTION IN SUPPORT OF SENATE BILL 369

WHEREAS, the North Carolina Senate has introduced Senate Bill 369, an act to phase-in the conversion of the local sales and use taxes authorized under Articles 39, 40 and 42 to a state sales and use tax that is allocated to counties and cities on a per capita basis as a local revenue source, which is also known as the Sales Tax Fairness Act; and

WHEREAS, the Act would eliminate most local sales taxes, such as the county-levied sales taxes, and convert them to a state sales tax; and

WHEREAS, the State would then distribute the funds to counties and cities based on populations; and

WHEREAS, due to limited commercial development residents of Chowan County are forced to spend their sales tax dollars in neighboring counties; and

WHEREAS, under the current system of sales tax allotment, Chowan County loses large amounts of sales tax dollars to neighboring counties; and

WHEREAS, under Senate Bill 369, the North Carolina Association of County Commissioners estimates Chowan County would gain an additional 12% in sales tax revenue in 2016-17 over the current allocation; and

NOW, THEREFORE BE IT RESOLVED that the Chowan County Board of Commissioners:

1. Declare its support of Senate Bill 369; and
2. Urges the North Carolina General Assembly to pass Senate Bill 369; and
3. Directs that a copy of this resolution be sent to members of Chowan County's State delegation and to the North Carolina Association of County Commissioners.

In the COUNTY OF CHOWAN

Sheriff Salary increase request

The Sheriff has requested time on the agenda to make a presentation. He stated that he would like for the Board to reinstate the Sheriff's Office career ladder program. He stated the program was approved in 2007 by the Board. He stated that the Sheriff's Office has lost 15 employees because of pay. He stated he has 5 employees with bachelor degrees and 1 employee with an associate's degree in criminal justice. He stated that his deputies are the best in the area. He stated his concern with Chowan becoming a training station for law enforcement and losing them to other Counties. He stated that County has provided 4 cost of living (COLA) adjustments since 2008. He note the employee's share of family insurance coverage has greatly increased and the COLA's given do not cover them. He stated that the County did a salary study in 2012 and nothing has been done with it. He noted the Town of Edenton used the salary study that the County paid for to give their employees salary adjustments.

Commissioner Lawrence asked what the average salary for a deputy was.

Chief Deputy Andy Bunch stated the starting salary is below the Edenton Police Department (\$32,000) and the County is \$31,932. He stated 911 operators stated at \$25,245 and Jailers start at \$26,456. He stated these starting salaries in Chesapeake VA are \$31,000.

Sheriff Goodwin stated that there is difficulty in finding qualified applicants to fill vacancies because of the starting salary.

Commissioner Bonner asked when the career ladder was dissolved.

Sheriff Goodwin stated it was frozen during the financial crisis of 2008.

Chief Deputy Bunch stated that all County employees are currently behind 2-3 steps in pay.

Commissioner Winborne asked if the salary increases would be funded within the Sheriff's budget.

Sheriff Goodwin stated that he could fund this within the current fiscal year budget. He stated this could be funded with unfilled positions and the decrease in inmate population.

Commissioner Winborne asked if vehicles had been purchased.

Sheriff Goodwin stated one vehicle purchase is on hold.

Commissioner Winborne asked if all employee salaries would be adjusted.

Sheriff Goodwin stated that that will vary. He stated some will get substantial increases while others will not get as much. He stated that all of his employees would receive something. He

stated he wanted his deputies to be able to support their families. He stated if the plan is approved all of his departments would be in line with other area law enforcement.

Commissioner Kehayes asked about the qualifications for the increases.

Sheriff Goodwin explained that deputies take on special training.

Commissioner Kehayes stated that if this is approved it will require an increase in the next fiscal year budget.

Sheriff Goodwin noted that he may have to come back in the current fiscal year and request monies for lines that are funding the salary increases. He stated that next fiscal year he would need an additional \$40,000 to cover the salary increases.

Commissioner Winborne stated that there are another 100 county employees who need to be taken care of also. He stated he felt the Sheriff's proposal was a good one. He asked if the manager had plans to look at other employee salaries.

Mr. Howard stated that he would have to look at employee evaluations, the current salary and position.

Commissioner Winborne asked if the manager could bring back a recommendation for the remaining County employees in 60 days.

Mr. Howard stated he wanted the Board to note that salary increases will affect next year's budget.

Commissioner Bonner stated his support of the Sheriff's request. He stated that in 2007 the Board had no other choice but to freeze salaries because of the crisis. He stated that County employees continued to provide excellent service to the County regardless of the financial situation. He stated he is in favor of this proposal.

Sheriff Goodwin noted he will not receive any additional monies that this will go towards his employees.

Commissioner Mitchener stated he felt this was overdue for employees. He stated his support for looking at salary adjustments for all other county employees as well.

Commissioner Nixon stated his concern with the request. He stated he did not have all the figures or facts. He asked what the total increase was.

Sheriff Goodwin stated it would be \$81,756.00

Commissioner Nixon stated that during the FY 2015-16 budget planning process the Sheriff stated he could not cut his budget.

Sheriff Goodwin stated that he did not say that.

Commissioner Nixon asked what the top salary was in the Sheriff's departments.

Sheriff Goodwin stated his salary is a public record and is \$83,000.

Commissioner Nixon stated that in 2008 the County was spending more than it was taking in. He asked if the employees who left resigned on their own terms. He stated that if the Board approves this request the Board may have to raise taxes if there is no growth.

Mr. Howard stated the only factor the Board can control is the tax rate.

Sheriff Goodwin stated that employees carried a lot of weight during the financial crisis (frozen salaries, RIF's, furloughs and increased responsibilities).

Commissioner Nixon stated he felt the Board should form a committee to look at this and bring in department heads to discuss a proposal.

Commissioner Mitchener noted the request can be funded this fiscal year within the Sheriff's budget.

Commissioner Bonner stated he did not feel that the County needed to stall on giving raises any longer.

Chairman Smith stated that he felt employees have done a wonderful job. He stated it is easy to not give increases when money is tight, but added he did not feel it was good to single out three departments for raises. He stated he felt the Board needed to look for monies to do for all employees.

Sheriff Goodwin stated that the salary study was done in 2011, he stated each year the Board has been able to put monies into fund balance. He stated the Board has not made any salary increases since 2011. He stated he felt someone needed to push the ball forward.

Commissioner Kehayes stated he felt it was important to have well trained law enforcement given the recent scrutiny in the media regarding law enforcement officers. He stated that competitive salaries are important for retention as well as morale.

Commissioner Lawrence moved to accept the Sheriff's proposal.

Commissioner Winborne asked if Commissioner Lawrence would be willing to amend his motion to include instructions for the manager to look at all other employee salaries and report a recommendation back to the Board in 60 days.

Mr. Howard stated he would like direction from the Board on which Counties to compare with.

Commissioner Lawrence asked to rescind his motion. He then moved to accept the Sheriff's career ladder salary adjustment proposal and to instruct the manager to look at other comparable county salaries (including those under the Albemarle Commission) and bring back a proposal to the Board for all other county departments within 60 days.

Commissioner Nixon stated that he felt approving this request would set off a fire storm among other county departments. He asked what this says to them or the schools. He stated he advocates for employees but also has to be business minded. He stated the Board needs to consider where this money will come from.

Commissioner Lawrence stated that he understands Commissioner Nixon's concerns but as a tax payer himself, he is willing to pay more.

Commissioner Mitchener stated that all of the county's debt will be paid off by 2021. He stated his proposal utilizes monies already allocated. He stated that he feels the County needs to keep the best employees and show them that they are appreciated.

Chairman Smith stated he wanted people to understand he feels the request is proper but his concern is with the timing.

Chairman Smith asked for all in favor, the motion passed (5-2 Smith and Nixon).

Chairman Smith called for a 10 minute recess. After 10 minutes he called the meeting back to order.

Appointments

The Board will consider the following Board/Commission Appointments. He stated the Board members will make nominations and vote each out until one nominee has a minimum of 4 votes. He asked the Board members to only vote once in the first round and the candidate with the least amount of votes will drop off the list and the Board will also vote out a tie. There was no objection from the Board.

Chowan County Planning Board Area B

Chairman Smith opened the floor for nominations.

Commissioner Nixon nominated Tom McClaren.

Commissioner Kehayes nominated Jack Perry.

Commissioner Mitchener nominated Robert Kirby.

Being no further nominations Commissioner Bonner moved to close the nominations. (7-0).

Chairman Smith asked for all in favor of Tom McClaren, the motion passed (4-3 Bonner, Kehayes, Mitchener).

Chowan County Planning Board Area D

Commissioner Kehayes nominated Patti Kersey for reappointment.

Commissioner Winborne nominated Linda Peterson.

Being no further nominations Commissioner Mitchener moved to close the nominations. (7-0).

Chairman Smith asked for all in favor of Patti Kersey, the motion failed (1-6 Nixon, Smith, Bonner, Winborne, Mitchener and Lawrence)

Chairman Smith asked for all in favor of Linda Peterson, the motion passed (6-1 Kehayes).

It was noted that all appointments are effective immediately.

Library Board

Commissioner Nixon stated that he has some concerns with the Library Board's large membership. He stated currently the Board has the maximum number of members according to the law and its bylaws. He recommended that the Board turn the matter over to the Librarian for her to investigate the membership history. He then moved to have the librarian study and bring back a recommendation to the Board, and to also have the manager look into the Library Board's membership.

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

Ms. Stallings noted that the Librarian has requested that Shelby Strother be appointed to the regional Board to serve in the seat previously held by the late John Fox.

Commissioner Kehayes moved to appoint Shelby Strother to fill the unexpired term. Chairman Smith asked for all in favor, the motion passed unanimously (7-0).

ABC Board

Chairman Smith opened the floor for nominations.

Commissioner Nixon nominated Win Dale.

Commissioner Bonner nominated Craig Miller.

Commissioner Winborne nominated Garris Perry.

Being no further nominations Commissioner Nixon moved to close the nominations. (7-0).

Chairman Smith asked for all in favor of Win Dale, the motion failed (3-4 Bonner, Winborne, Mitchener and Lawrence).

Chairman Smith asked for all in favor of Craig Miller, the motion failed (3-4 Nixon, Smith, Kehayes and Lawrence).

Chairman Smith asked for all in favor of Garris Perry, the motion failed (1-6 Nixon, Smith, Bonner, Kehayes, Mitchener and Lawrence).

Chairman Smith stated that Mr. Perry would be removed from consideration.

Chairman Smith then asked for all in favor of Win Dale, the motion passed (4-3 Bonner, Lawrence and Mitchener).

External Board/Committee Report

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

Commissioner Winborne reported that the Animal Shelter Advisory Committee would be meeting this week.

Commissioner Lawrence gave an update from COA.

Manager's Report

County Manager Kevin Howard updated the Board on the following:

- Hotel Hinton is sold
- Initial review of the County participating in the state employee health insurance does not show a cost benefit for the County or employees.

Timely and Important Matters

Ms. Stallings noted that Gov Deals auction begins on Wednesday.

Commissioner Winborne noted that the Planning and Enterprise Committee is working to schedule a meeting.

Commissioner Nixon requested that the ARHS is on the list to participate in the state health insurance plan. He stated that he would recommend that the manager look into retiree health insurance for new hires and bring back information.

Closed Session

Commissioner Bonner 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 (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).

Release of Attorney/Client Memo dated August 3, 2015

Commissioner Kehayes moved that the Board release the attorney memo regarding the petition that was dated August 3, 2015. Chairman Smith asked for all in favor, the motion passed unanimously (7-0).

Adjourn

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

Jeffery Smith, Chairman

Susanne Stallings, Clerk