

Regular Meeting
Monday, December 7, 2015
Chowan County Public Safety Center
305 West Freemason St.
Edenton, NC
6:00pm

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

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

Regular Meeting

Chairman Smith called the regular meeting to order and led all in attendance in the pledge of allegiance.

Commissioner Bonner then offered the invocation.

Approval of Agenda

Chairman Smith noted the amended agenda that included a correction to the agenda and an addition of a budget amendment BA1516-013.

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

Old Business

Approval of the Minutes

Commissioner Kehayes moved to approve the minutes from the November 7, 2015, November 9, 2015 and November 16, 2015 meetings. Chairman Smith asked for all in favor, the motion passed unanimously (7-0).

Employee Recognition Ceremony

The following employees were recognized for their years of service:

2010 - 5 Year Anniversary

Kristin Gordon	DSS
Letecia Loadholt	DSS
Mary White	DSS

2005 – 10 Year Anniversary

Alan Stulick	Sheriff
Susanne Stallings	Admin

2000 – 15 Year Anniversary

Frances Bond	Maintenance
Sharon Armstead	Recreation
Jeanette Ferebee	Detention
Rena Skinner	Tax
Teresa Johnson	Tax
Kenneth White	Sheriff

1995 – 20 Year Anniversary

Holly Colombo	Inspections & Planning
Donald Wheeler	Maintenance
Cheri Blount	DSS

1990 – 25 Year Anniversary

Kimberly Smith	Admin
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Organizational Meeting

Election of Chair

Board Clerk Susanne Stallings opened the floor for nominations for Board Chairman for the 2016 year.

Commissioner Nixon moved to nominate Jeff Smith.

Being no further nominations Commissioner Kehayes moved to close the floor for nominations. Ms. Stallings asked for all in favor, the motion passed unanimously (7-0).

Ms. Stallings then asked for all in favor of the nomination of Commissioner Jeff Smith to serve as Chairman. The motion passed unanimously (7-0).

She then passed the gavel to Chairman Smith.

Election of Vice Chair

Chairman Smith opened the floor for nominations for Vice Chairman for the 2016 year.

Commissioner Kehayes moved to nominate Commissioner Nixon.

Being no further nominations Commissioner Mitchener moved to close the floor. Chairman Smith asked for all in favor the motion passed unanimously (7-0).

Chairman Smith asked for all in favor for the nomination of Commissioner Nixon as Vice Chair, the motion passed unanimously (7-0).

2016 Meeting Schedule

Chairman Smith noted that in accordance with NCGS § 153A-40 (a) the Board shall approve a meeting schedule for 2016. He noted that staff has provided a schedule with meetings on the 1st and 3rd Monday of each month at 6:00pm. He noted that if the Monday falls on a holiday, the meeting is moved to the following Tuesday.

Commissioner Winborne asked if staff has any concern with the schedule, there were none stated.

Commissioner Winborne moved to approve the 2016 meeting schedule. Chairman Smith asked for all in favor, the motion passed unanimously (7-0).

Public Comment

Chairman Smith opened the floor to public comment in accordance with NCGS 153A-52.1. He noted that each speaker is allowed a maximum of 3 minutes per speaker during the public comment period.

Les Kersey, 3065 Connors Drive Edenton stated that approximately 3 months prior, there was a controversy regarding the Board of Commissioner's guidance. He stated that he suggested at that time that the County move from the 19th century into the 21st century by recording the Commissioner's meetings. He stated the Board is not recording the minutes now and relying only on notes. He stated the public has the right to timely and complete minutes and stated he would check back in 90 days to see if there has been any progress. He stated he has provided a copy of his written statement to the clerk to ensure its accuracy in the minutes. A copy of his statement is in the meeting file labeled December 7, 2015.

Amy Ziolkowski 118 Lloyd Overton Lane Edenton stated that she is providing the Board with 3 articles from the Carolina Journal regarding Amazon Windfarm projects, and the Federal Trade Commission (FTC) concerns over misrepresentation of "green" claims. A copy of the articles is in the meeting file labeled December 7, 2015.

Liz Alons 1848 Paradise Road stated her concerns with previous comments from the Board regarding petitioners who signed the recent petition requesting an amendment to the wind energy facility text. She stated to say the signers of the petition didn't know what they were signing was not true. She stated that the reasoning for the petition was clearly listed above the signature lines. She stated that people she spoke with stated they told Commissioners that they didn't know what they were signing because they didn't want to be on the bad side of the Commissioners of that they knew Jeff Smith or Keith Nixon too well. She shared that she spent many evenings visiting her neighbors and thoroughly explaining the petition. She stated 90% of those who signed the petition were unaware of the proposed wind energy facility project. She stated her concerns with the Board choosing to not educate themselves and stating they did not want their view tainted. She stated she would request that the Board members take the time to re-read the research from Commissioner Kehayes.

Pat Grother 405 East Queen Street stated she was surprised that the Board has not chosen to educate itself and is depending on tourist information. She stated that the proposed windmills are

as tall as the arches in St. Louis. She stated that there are documented cases of health problems from infrasound and from shadow flicker from the blades. She stated she felt the 1 mile setback was a good idea. She stated it was a good idea for the Board to fully understand everything about the towers.

Bob Kirby 236 Whites Landing Road stated he wished to speak on three separate issues 1. Calendar, 2. Air and 3. Dirty Laundry. He stated that it is important to remember that the date December 7th is the 74th anniversary of the attack on Pearl Harbor, he stated the Board owes a debt to the people to at least remember it. He stated his second issue regarding air and wind was to encourage the Board to ban with the Commissioners of Perquimans County for a moratorium to work out the County ordinance and finally his third item, dirty laundry was regarding the meeting minutes from October 14th regarding water softening and fines from NCDENR. He stated that NCDENR or NCDEQ wants the County to stop softening the water because of the chlorides from softening. He stated that if the County stops softening the water, the laundry will be dirty and urged the Board to not stop softening the water. (Mr. Kirby's comments were not finished because he exceeded the 3 minute time limit).

Brian Ferraccio 128 Rockfish Street stated that when he ran for County Commissioner in 2014 against Commissioner Mitchener he ran on the basis of transparency. He stated that with no audio or video there is no record, but there would be if there was a camera present. He stated that the wind turbines are proposed to be 600 feet tall, he stated his concern with the use of a 1500foot setback. He stated this was selected to be in keeping with the industry standard and he stated it did not make sense. He asked the Board where their head in making that determination was and stated it was not rocket science.

Consent Agenda

All items on the Consent Agenda are considered to be routine and may be enacted by one motion. If a County Commissioner requests discussion on an item, the item will be removed from the Consent Agenda and considered separately.

a. Tax Releases and Refunds

Bethel, M.	\$835.88	Paid twice (owner paid and courts paid)
Fenner, J. Company paid)	\$3,431.12	Paid twice (owner paid and Mortgage
Elliott, G. Company paid)	\$569.56	Paid twice (owner paid and Mortgage
Rich, S. Company paid)	\$2711.84	Paid twice (owner paid and Mortgage
Skinner, J. Company paid)	\$269.96	Paid twice (owner paid and Mortgage
Elliott, M. Company paid)	\$400.68	Paid twice (owner paid and Mortgage

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

b. Budget Amendment

BA 1516-012

Account Code	Description	Old	+ or (-)	New
12-3531-230-01	Social Service Adm	(1,629,320.00)	(583.00)	(1,629,903.00)
12-5380-539-21	Low Income Energy Asst. Program	81,172.00	583.00	81,755.00
Balanced:		(1,548,148.00)	-	(1,548,148.00)
Justification:				
<i>Budgeting additional LIEAP monies</i>				

BA 1516-013

Account Code	Description	Old	+ or (-)	New
12-5310-121-00	Salaries & Wages - Regular	1,070,320.00	3,990.44	1,074,310.44
12-5310-126-00	Salaries & Wages - Part-time	6,365.00	(3,990.44)	2,374.56
Balanced:		1,076,685.00	-	1,076,685.00
Justification:				
<i>To addressing changes in janitorial staffing</i>				

Commissioner Nixon discussed his concerns regarding the square footage per building per employee. He stated that he was not concerned as the budget amendment could be changed later.

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

Windfarm Observations

Harriet DeHart provided the Board with a flash drive PowerPoint presentation and accompanying documents and digital video testimony she gathered from her visit to the Shirley Windfarm in Brown County (Glenmore) Wisconsin. A copy of all the documentation is in the meeting file labeled December 4, 2015. Ms. DeHart stated she picked this windfarm because at one time she lived in Wisconsin and the size of the towers are close (but smaller) than the proposed towers for Chowan County. She stated the discussions regarding the wind energy facility text in the zoning ordinance are her reasons for also choosing to visit the wind farm. She

stated the wind project in Wisconsin is run by Duke Energy. She stated said she spoke with a lady by the name of Barbara who stated in the late 1990's two (2) 300 foot test turbines were put up on her property. She stated that at the time nobody complained about the turbines and nobody became sick. She stated the turbine setback from a residence is 1,000 feet, the state has recommended 1250 feet. She shared photography of signage near the Shirley Windfarm warning that no vehicles or humans are allowed within 650 feet of the turbines. She discussed the current regulations regarding setbacks from non-participating property lines being 544 feet. She stated that she has provided the Board with documentation of complaints from 80 residents near the turbine which is 70% of the population in that area. She stated that in comparison to a residential complex in Edenton such as Tyler Run, there are approximately 400 residents. If 7% of the residents of Tyler Run would have symptoms, and stated that would be 28 people in the apartment complex complaining of symptoms, the County would need to investigate their complaints. She provided video testimony from some of the residents who live near the Shirley Wind Farm such as the Schauer, Ashenbrenner, Tenors and Cappelle families. She encouraged the Board to watch the videos on the flash drives they have been provided. She provided examples of the health effects of these residents such as Jean Tenor who is battling a rare form of ovarian cancer and the Cappelle family who had to abandon their home because of severe headaches. She provided email documentation from the owner of the home who was unable to sell their house due to the health hazard condition issued by the Brown County Health Department, as the buyer is unable to obtain FHA or any financing to purchase the property due to the hazard determined by the Health Department.

Ms. DeHart provided information from David Stetzer's October 2011 report on ground current at Denmark Wisconsin residences. She stated this is data from acousticians where levels of stray voltage testing was conducted. She stated that these homes were as little as 16 times or as much as 291 times higher in measured current deemed relevant to causing cancer by the National Institute for Environmental Health Sciences. She stated the home that measured the highest was the Cappelle home. She stated these studies show an interference of stray voltage with pace makers. She stated this area of Northeastern North Carolina has many residents who have pace makers. She stated that stray voltage can impact people who live up to 4 miles away. She that she worked with the County's GIS office to mark on a map a 4 mile radius from the proposed turbine locations. She stated that 7,000 people live within that 4 mile radius. She stated that if 7% of those residents in the zone complain of any health impact from the turbines that would be 490 county residents affected. She stated that this could result in loss of work, increased Medicaid recipients and the County would also realize these costs. She stated she hoped the Board would take the time to listen to these concerns before allowing its citizens to become collateral damage.

Commissioner Lawrence thanked Ms. DeHart for her work and asked if the information was being submitted as research.

Ms. DeHart stated she was not writing a paper but providing the Board with pages of scientific research and her observation.

Ms. DeHart and Commissioner Lawrence discussed their interpretations of scientific research.

Ms. DeHart stated that she would recommend the Board take a look at the reports she has provided and stated the Board does not want its neighbors to become victims.

Chairman Smith thanked Ms. DeHart for the information and stated that the Board would look at all the documentation she has provided.

Public Hearing – Noise Ordinance Amendment

Chief Deputy Andy Bunch stated that the Sheriff is requesting the Board hold a public hearing to consider adoption of a revised Noise Ordinance for Chowan County. He noted the Board has been provided copies of the original Noise Ordinance and the proposed revised ordinance.

Chairman Smith noted that the Planting, Protection and Harvesting of agricultural products is exempted in the draft ordinance. He stated that drying is not mentioned.

Chief Deputy Bunch noted this is covered under “protection”.

Commissioner Kehayes stated that with regards to the noises from wind turbines, the noise in a residential neighborhood is set at 50Db. He stated that a rural area has expectations to be quiet.

Deputy Bunch noted that this requirement also includes the distance from the property line.

Commissioner Kehayes stated that a normal conversation would wake him up at night. He stated that anything over the stated decibel limit is considered to be excessive according to the world health organization.

Commissioner Mitchener asked what was the source of this information, and where was the 50 Db pulled from.

Ms. Stallings stated the ordinance was a compilation of ordinances from around the State that the district court judge and the Sheriff felt were the most enforceable in court. She stated that the ordinance contains language from Wake County, Currituck County, Rowan County and some of the original text of the Chowan County 1992 ordinance.

Commissioner Lawrence asked why the current noise ordinance cannot be enforced.

Chief Deputy Bunch stated that the District Court Judge says the current ordinance is invalid which is the reason for adding the requirement of a decibel meter. He stated the County will need something to take with them to court when a case is brought forward.

Commissioner Mitchener stated his concern regarding apartments and sound between the walls, he stated this will need to be considered in the guidelines. He stated he would need more details.

Commissioner Bonner stated his concern regarding the judge’s ruling on the current ordinance. He stated that he feels that the County needs something to move forward on with noise enforcement.

Commissioner Nixon asked if Hunting, Dogs, Loudspeakers etc. are complaints that are received in the Sheriff's office.

Chief Deputy Bunch stated that most complaints are for loud music in subdivisions.

Commissioner Nixon discussed Property Owner Association rules and the inability to enforce rules in their subdivisions.

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

Chairman Smith then opened the floor for the public hearing.

Patti Kersey 3065 Connors Drive provided information from a Dr. Robert Shinog comments on noise ordinances. She stated that she reviewed the 1992 Noise Ordinance and read the following: Section 2 The Chowan County Board of Commissioners finds that every person is entitled to have noise levels maintained which are not detrimental to life, health, and enjoyment of property and that unusually excessive and unreasonable noise within Chowan County is a menace to the public health, safety and welfare, and the comfort of the people of Chowan County.

Section 5- a Unlawful Noise: In addition to any other violation of this Ordinance, it shall be unlawful to emit any unreasonably loud, annoying, frightening, loud and disturbing or unnecessary noise. Specifically, it shall be unlawful to emit noise of such character, intensity or duration as to be detrimental to the life or health of any individual.

Section 6 -3 The provisions of this Ordinance shall not apply to areas outside of platted subdivisions within Chowan County whether approved or not, nor to any agricultural, or industrial related activities.

Ms. Kersey noted that noise is limited to daytime and there is no mention of industrial use in the old ordinance. She questioned if the proposed changes were coincidental. She stated she was not opposed to the text but was not sure of where it came from.

William Robbins 222 Pueblo Trail asked for clarification on the distance from a property line. He stated there is no mention of noise in the Arrowhead Beach POA bylaws.

Being no further public comment, Commissioner Nixon moved to come out of the public hearing. Chairman Smith asked for all in favor, the motion passed unanimously (7-0).

Commissioner Mitchener moved to table the ordinance until a later date to allow the Sheriff time to get more information on the questions asked at the meeting. Chairman Smith asked for all in favor, the motion passed (6-1 Bonner).

Commissioner Nixon stated he would like information from other rural counties to be considered.

Commissioner Kehayes stated that he has concerns with having copycat ordinances. He stated a normal conversation can be considered disturbing and he feels 50Db is too high. He stated he

feels the County needs a noise ordinance with regulations for the sound however he felt the numbers needed to be correct. He stated he needed clarification on the setbacks and asked if existing properties are grandfathered.

Chairman Smith noted this ordinance only applies to areas outside of the Town ETJ.

Commissioner Bonner stated his concern was that while there is no ordinance in place nothing can be done by law enforcement.

Chairman Smith called for a 5 minute recess, after 5 minutes he called the meeting back to order.

Sheriff Participation in Statewide Misdemeanant Confinement Program

Chief Deputy Andy Bunch stated that the Sheriff is requesting that the Board consider an agreement for participation in the Statewide Misdemeanant Confinement Program. He provided the Board with a copy of the agreement. He stated that currently jail numbers are down. He stated the State will pay for medical and transportation. He stated the Sheriff will make the decision on the final number of inmates that will be housed in the County.

Chairman Smith asked for clarification on capacity.

Chief Deputy Bunch stated that is 23.

Chairman Smith asked if the County will house those convicted of violent crimes.

Chief Deputy Bunch stated that most likely the crimes are not violent because they are charged with. He stated the County is not able to pick and choose which inmates it will house.

Commissioner Winborne asked how much revenue it will bring.

Chief Deputy Bunch said the State will pay \$40 per day per inmate.

Mr. Howard stated if the County accepts 5 inmates it will realize \$72,000.

Commissioner Bonner discussed the expense for medical.

Chief Deputy Bunch stated that outside expense for medical is billed to the State.

Commissioner Mitchener asked for clarification on the capacity.

Chief Deputy Bunch stated the jail has held as many as 40 inmates at its maximum capacity however the numbers have been going down.

Commissioner Winborne asked where the monies go.

Mr. Howard stated it goes into the general fund.

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

Recreation Department Items for Consideration

Redistribution of capital outlay funds

Interim Co-Director Shannon Ray asked the Board to consider a request to re-distribute the \$7,238 remaining in the Recreation Capital Outlay budget to purchase a floor scrubber (one machine is shared with the Town facilities), Elliptimill (both existing machines are nearing the end of life expectancy) and Copy Machine (The community center does not have a working machine). She discussed the needs for each item.

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

Grant Application/ Resolution

Interim Co-Director Shannon Ray provided the Board with a request to apply for PLAY Together grant funds from Trillium Health Resources. She stated that if the grant application is approved the Board will consider a resolution of permission and support to be attached to the grant application. She noted the grant pays for 100% of the construction cost and the requirements is that the equipment be on Chowan County property. She stated that she looked at Pembroke Creek as a potential site and the consultant said the property is too close to the water and to a busy road. She stated the proposed equipment includes an adaptive wheelchair swing for children with disabilities. She stated the equipment has “inclusive” features for children with various disabilities. She stated that the consultant has indicated Chowan County would receive \$300,000 for the equipment which includes site work, play surface, shading, and fencing. She stated an area at the Northern Chowan Community Center is underutilized and has been considered for the location. She stated that a tree may have to be relocated for that spot. She stated there will be 12 months for construction as with similar projects in area counties.

Commissioner Kehayes asked if the grant allows for building upon existing equipment.

Ms. Ray stated that is allowed but renovation is not.

Commissioner Kehayes stated he did not understand why the Town’s playground at the park was not considered.

Mr. Ray stated that site is owned by the Town of Edenton. She stated she contacted the Town Manager to notify her of the grant monies and the Town Council did not find that project a good fit.

Commissioner Mitchener stated he felt lighting is important to make sure the site can be used afterhours.

Commissioner Bonner stated he did not want to pass up an opportunity that is no cost to the taxpayers. He stated he felt the Board should apply for the grant.

Ms. Ray stated that the existing tennis court lighting may be able to be redirected to the playground.

Commissioner Nixon stated he has mixed emotions about the proposal. He stated the County needed to consider the equipment maintenance. He stated landscaping should also be considered. He stated that the largest population of youth below the age of 18 is in the Town. He stated that Arrowhead Beach has its own playground. He stated that he participated in fundraising for playground equipment in Town. He asked if the equipment would have to remain on the site.

Ms. Ray stated that she has not considered moving the equipment.

Mr. Howard said that the County would most likely have to get approval from Trillium of where the equipment could be moved.

Commissioner Nixon stated that he has reservations about the project because of the costs of equipment maintenance.

Commissioner Bonner asked if the Recreation Advisory Board endorses the proposed grant and location.

Ms. Ray stated yes.

Commissioner Bonner moved to approve the resolution and grant application request.

Commissioner Nixon stated he would like more time to study the request and look at the cost. He stated he cannot endorse the project and stated the County has taken on parks owned by the Town (ballfields) and stated his concern with taking on more and more municipal functions.

Commissioner Bonner stated that this equipment requires little maintenance.

Commissioner Winborne stated that he lives in this part of the County. He stated that the population is in Town. He stated he is not aware of the costs for maintenance but feels this would cost a lot to repair. He stated he supports grants, but also has concerns about them. He stated he was not prepared to vote on the request.

Commissioner Mitchener asked about the types of equipment.

Ms. Ray stated a merry-go-round, slides etc... There are choices that include different heights but noted the wheelchair swing would be a mandatory requirement.

Commissioner Bonner asked if there was a deadline.

Ms. Ray stated that the deadline to apply is December 15, 2015.

Commissioner Nixon stated he was not opposed to the grant but to the location. He asked if there were annual inspections.

Ms. Ray stated that there are.

Commissioner Nixon asked if there is a fee for the inspection.

Ms. Ray stated no.

Chairman Smith asked the Clerk to read the motion on the floor.

Ms. Stallings read the motion “Commissioner Bonner moved to approve the resolution and grant application request.” Chairman Smith asked for all in favor, the motion passed (4-3 Nixon, Kehayes and Winborne).

Resolution in Support of Application Playgrounds and Playground Equipment

Whereas, Trillium Health Resources is offering construction grants to be used towards the purchase of inclusive Playgrounds and/or playground equipment and;

Whereas, Chowan County currently owns, operates, and maintains public playgrounds for children and desires to make or offer those areas accessible and functional to individuals with special needs and to individuals in wheelchairs and;

Whereas, Chowan County intends to make application to Trillium Health Resources for purchase and installation of a complete playground or equipment (*you would choose this*)

Therefore be it Resolved by the Board of County Commissioners, that Chowan County shall apply for a Play Together Construction Grant for Accessible Playgrounds for the purchase and installation of a complete playground or equipment (*you would choose this*) to be located at the Northern Chowan Community Center.

Be It Further Resolved that Chowan County hereby agrees to comply with all the rules and regulations concerning the Trillium Health Resources Play Together Construction Grant for Accessible Playground Grants Program

Adopted this the 7th day of December, 2015.

Second Amendment to Resolution Establishing Albemarle Regional Solid Waste Management Authority (ARSWMA)

Mr. Howard asked the Board to consider an amendment to the resolution to move the listing of its membership into Exhibit A of the agreement. This amendment will allow ARSWMA to add members without having to amend the entire regional agreement.

Commissioner Nixon noted that he recommends approval of this change. He moved to approve the amendment.

Chairman Smith asked for all in favor, the motion passed unanimously (7-0). (A copy of the full ARSWMA Resolution is in the meeting file labeled December 7, 2015).

Public Hearing – Text Amendment 15-01

County Planner Ms. Elizabeth Bryant stated that the Board will hold a public hearing to consider text amendment TA 15-01. This is an amendment to the zoning ordinance as recommended by the County Planning Board at their October 13, 2015 meeting. She noted that in June the Planning Board decided to review this section including its duties and to adopt a rules of procedure. She stated that she and the County Attorney were instructed to make clarification to the statutes that are referenced in the text. She then read the staff report:

“The proposed amendment to **Article II, Administration**, Section 2.02, *Planning Board*, is a text amendment that will **NOT** affect policy-making. The major amendment in this packet is to amend language in **Section 2.02, Planning Board**, Subsections (B) Officers, (D; 2.) Advisory Committees, (E; 2., 3. (a), and 4.) Meetings of the Planning Board, (F; 3; and 5(a)) Quorum and Voting, and (H) Electronic Notice. The proposed language is attached in the enclosed DRAFT of an amended Article II, Section 2.02. **NOTE:** The proposed differences in the October 2015 version versus what the County Planning Board approved in July 2015 is an update to reference the appropriate NC General Statute as it relates to an applicant’s right to an impartial decision maker. All formats and/or versions of the proposed language, are attached.”

“In deciding whether to adopt a proposed amendment to the Chowan County Zoning Ordinance, the central issue before the Board of Commissioners is whether the proposed amendment advances the public health, safety or welfare.”

RECOMMENDATION

“On October 13, 2015, staff recommended that the County Planning Board recommend approval of these amendments to Article II, Section 2.02 as presented to the Chowan County Board of Commissioners. At their meeting scheduled on that date, the Chowan County Planning Board heard the evidence presented by staff and any testimony given by the public (see the attached minutes from the 10/13/15 Planning Board meeting), and voted to recommend the approval of the amendments as presented (6-0).”

Ms. Bryant then reviewed the text changes. She then asked the Board for any questions.

Chairman Smith stated he felt in section F the proposed language about the Chairman voting only in a tie should be removed. He stated that he felt it takes a vote away from the area of the County that the Chair was appointed to represent. He recommended that be deleted.

Commissioner Nixon stated he agreed that he felt the Chair should vote. He stated in Section D, 2 He stated he felt the Chair of the Planning Board could nominate committee members but the entire Planning Board should vote on the nomination. He recommended that language change.

Commissioner Nixon moved to go into public hearing. Chairman Smith asked for all in favor the motion passed unanimously (7-0).

Chairman Smith asked if there was any public comment on the proposed text amendment.

Jim Robison 124 Bayview Trail stated he agreed that the Chair should have a vote. He stated that he also recommended the committee follow the rules of procedure that a second for a motion not be required. He stated that he felt it more appropriate for a small Board to not require a second.

Being no further public comment, Commissioner Mitchener moved to close the public hearing. Chairman Smith asked for all in favor, the motion passed unanimously (7-0).

Commissioner Winborne stated he felt the Chairman should vote, he stated he agreed with Mr. Robison on this matter.

Ms. Bryant noted the rules and procedure reference by Mr. Robison was a separate document considered by the Planning Board and not the Board of Commissioners.

Chairman Smith noted that the Planner was asked to look at Section C Duties and Responsibilities.

Ms. Bryant stated that upon further review she would recommend the following language for Section C and C1,

“Duties and Responsibilities. In general, the Planning Board performs the following duties at the direction of the Chowan County Board of Commissioners.”

“1. Conducts studies to identify and analyze land use issues of importance to Chowan County.

Commissioner Nixon asked if there was language regarding the Planning Board not incurring expenses for studies.

Mr. Howard noted that the Planning Board and staff does not have permission to move forward and incur expenses that are not budgeted without Commissioner approval.

The Board discussed the best method to vote on the recommended changes. It was recommended that each discussed recommendation be voted on separately.

Commissioner Nixon moved to approve section 2.02 B.

Ms. Womble noted that she would recommend addressing the sections discussed by the Board first.

Commissioner Nixon asked to rescind his motion.

Commissioner Nixon then moved to approve a change to section 2.02 F 3, to state “The Chair of the Planning Board shall be eligible to vote as any other member.”

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

Commissioner Nixon moved to approve section 2.02 D 2 to state “The Planning Board shall

have such standing committees as it finds necessary and convenient. In addition, the chair may nominate ad-hoc committees members, which shall be voted upon by the full Board. The chair can be an active member of all committees. Committee membership shall be restricted to less than the number required for a quorum of the Planning Board membership.”

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

Chairman Smith asked if there were any comments on the proposed change to section 2.02 C.

Commissioner Kehayes stated that he felt this change was in response to the Planning board’s action for the wind turbine, and if this were in place then a study could not have been conducted.

Chairman Smith stated it would have meant the Planning Board would have to come to the Commissioners.

Commissioner Bonner moved to adopt C and C1 “Duties and Responsibilities. In general, the Planning Board performs the following duties at the direction of the Chowan County Board of Commissioners.”

“1. Conducts studies to identify and analyze land use issues of importance to Chowan County.

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

Commissioner Nixon moved to accept all other amendments including amendments as amended by the Board of Commissioners. Chairman Smith asked for all in favor, the motion passed unanimously (7-0).

Crowder Gulf Contract

County Attorney Lauren Arizaga Womble noted that at the July 6, 2015 meeting the Board agreed to accept the contract with Crowder Gulf contingent on the attorney review and agreement with changes. The Board has been provided with an updated contract for their review and consideration. She noted the 5 major changes to the document in front the Board members. She noted many of the changes were recommended by the Town of Edenton’s legal counsel.

Commissioner Winborne moved to approve the contract as amended.

Chairman Smith asked what the length of the contract was.

Ms. Womble stated the contract is for 3 years with two additional one year renewals.

Chairman Smith asked what the effective date was.

Ms. Womble stated that would be when the last party signs the contract.

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

External Board/Committee Report

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

Commissioner Nixon reported on the Health Department, Solid Waste and ECP Boards.

Commissioner Mitchener reported on the Destination Downtown and JCPC Boards.

Commissioner Lawrence reported on the Albemarle Commission Board.

Manager's Report

County Manager Kevin Howard updated the Board on the following matters:

Increased revenue distribution from the ABC Board

The ABC audit determined the ABC Board owes the County \$95,000. The Board would like to meet with members of the Board of Commissioners to discuss ABC capital. Chairman Smith stated he would appoint liaisons.

Proposal from Davenport & Company for Financial Review and Assessment Report for County's Bond Rating as requested at the last meeting.

The County has received a proposal to look at the Bond rating and provide a financial review. The cost is \$15,000. Mr. Howard noted that if the County decides to borrow monies this could be included at that time.

Commissioner Nixon stated he asked the manager to look into the bond rating but felt the cost was too high.

Salary Study Update

Mr. Howard stated he is working to develop a plan for the county employees. He stated a 2% merit for all employees up to \$3,000 would cost \$80,000 to \$85,000. He stated it would cost \$106,000 to \$110,000 to address all. He stated he hoped to have a plan in place by the first meeting in January and begin working on the merit process.

Timely and Important Matters

Interim Finance Officer Appointment

Mr. Howard noted that Willie Mack Carawan has taken a job as the County Manager for Washington County. His last day with Chowan County will be December 9th. He stated it would be in order to appoint an interim finance officer.

Commissioner Kehayes moved to amend the agenda to appoint an interim finance officer. Chairman Smith asked for all in favor, the motion passed unanimously (7-0).

Commissioner Mitchener moved to appoint Mr. Howard as interim Finance Officer. Chairman Smith asked for all in favor, the motion passed unanimously (7-0).

Board members wished Mr. Carawan well in his new position in Washington County.

Phones

Commissioner Winborne stated he would like a human to answer the phone when he calls 482-8431.

Meeting Recording

Commissioner Kehayes stated he would like for the board to look into recording meetings. He stated he would like the recordings accessible online. He stated he did not feel the technology was expensive and stated he felt audio recordings were important in the spirit of transparency.

Veterans Recognition

Board members discussed the anniversary of the attack on Pearl Harbor. Commissioner Mitchener recommended that the clerk draft a resolution in honor of Chowan County veterans.

350th

Commissioner Mitchener noted that 2018 would be Chowan County's 350th anniversary. He stated he would like for staff to look into planning a celebration.

Water Treatment

Mr. Howard noted that he hoped to schedule a public meeting in 2016 to get more information out to the public on the water violations for groundwater contamination from softening the water. He asked if the Board wanted to do this at a regular or special meeting.

Chairman Smith stated he would recommend a special meeting.

Mr. Howard stated he would schedule the meeting.

Closed Session

Being no further business Commissioner Nixon moved that the Board go into closed session, in accordance with NCGS 143-318 (11) (a) (6) personnel. Chairman Smith asked for all in favor, the motion passed unanimously (7-0).

The minutes of the closed session are sealed.

Commissioner Mitchener 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 Nixon moved that the meeting be adjourned. Chairman Smith asked for all in favor, the motion passed unanimously (7-0).

Jeffery Smith
Chairman

L. Susanne Stallings, Clerk