Regular Meeting Monday, December 2, 2013 6:00 pm Chowan County Public Safety Center 305 West Freemason Street

Minutes

The Chowan County Board of Commissioners held their regular meeting on Monday, December 2, 2013 at 6:00 pm at the Chowan County Public Safety Center. Present: Chairman Keith Nixon, Commissioners Jeff Smith, Greg Bonner, Ellis Lawrence, Emmett Winborne, Alex Kehayes and John Mitchener.

Staff present: County Manager Zee Lamb, Finance Officer Willie Mack Carawan and Board Clerk Susanne Stallings.

Chairman Nixon called the meeting to order, he led the pledge.

Commissioner Smith offered the invocation.

Approval of Agenda

Chairman Nixon presented the agenda and noted that there would not be a closed session at the end of the meeting. Commissioner Mitchener moved to approve the agenda as amended. Chairman Nixon asked for all in favor, the motion passed unanimously (7-0).

Old Business

- a. <u>Minutes from October 22, 2013, November 4, 2013 and November 12, 2013 meetings</u> Ms. Stallings noted a correction to the minutes of November 4, 2013. Commissioner Mitchener noted a correction to the minutes of November 4, 2013. He moved to approve the minutes with both corrections. Chairman Nixon asked for all in favor, the motion passed unanimously (7-0).
- b. <u>Employee Recognition Ceremony</u> The following County Employees were recognized for years of service.

2008 - 5 Year Anniversary

John McArthur Heather T Matthews	Sheriff Sheriff
Wanda S Westbrook	DSS
2003 – 10 Year Anniversary	
Patricia H Holley	DSS

1998 – 15 Year Anniversary	
Betty D Venters	Register of Deeds
Maurice Jackson	Jail
Barbara Hayes	DSS

1988 – 25 Year Anniversary	
Terry P Parks	DSS
Mark L Noneman	Recreation

Organizational Meeting

Election of Officers

Board Clerk Susanne Stallings then moderated the December 2013 Organizational Meeting. She noted that the Board is to choose one of its members as Chairman for the ensuing year. She then opened the floor to nominations.

Commissioner Winborne nominated Keith Nixon as Chairman.

Being no further nominations, Ms. Stallings closed the nominations. She asked for all in favor, the motion passed unanimously (7-0).

Chairman Nixon then presided over the nominations for Vice Chairman. He opened the floor for nominations.

Commissioner Bonner nominated Jeff Smith.

Being no further nominations, Chairman Nixon closed the nominations. He asked for all in favor, the motion passed unanimously (7-0).

Meeting Schedule 2014

The Board discussed a proposed meeting schedule. Commissioner Smith moved to schedule the first Monday of each month (if a holiday the meeting will be on Tuesday after the holiday) as the regular meeting at 6:00pm. Chairman Nixon asked for all in favor, the motion passed unanimously (7-0). Chairman Nixon recommended that the Board discuss the 2014 second meeting schedule at the next meeting.

Public Comment

Charles Maus provided the Board with information on his service at the Horn of Plenty and Youth Summit hosted by the North Carolina Association of County Commissioners.

Chairman Nixon called for any further public comment. There was none.

Consent Agenda

Chairman Nixon presented the consent agenda. He asked for any Board questions or comments.

a. <u>Tax Release and Collector's Report</u>

Lumsden, L.	\$255.33	Overpayment
Johnson, H.	\$10804	Vehicle received new tags
Layden, L.	\$227.19	Vehicle sold
Jernigan, C.	\$301.66	Over assessment
Winslow, K.	\$155.53	SITUS Perquimans Co.
Johnson, H.	\$108.04	Vehicle received new tags
Kehayes, A.	\$110.47	Vehicle traded
Jones, H.	\$184.93	SITUS Wake Co.
Moore, V.	\$176.32	Vehicle Sold
White, H.	\$122.47	Owned 2 months
Ali, A.	\$127.89	Vehicle totaled

b. <u>Budget Amendment</u>

BA1314-030

Account Code	Description	Old	+ or (-)	New
11-3343-890-00	Building Permits	(70,000.00)	(5,842.00)	(75,842.00)
11-4261-580-00	Capital - Access Control	-	5,842.00	5,842.00
Courthouse				
	Balanced:	\$ (70,000.00)	\$ -	\$ (70,000.00)
Justification:				
Budgeting understated building permit fees (collected as of 11/19/13 - \$65,300) to cover the cost of replacing the Courthouse Card Access system.				
Account Code	Description	Old	+ or (-)	New
Account Code 24-4270-510-00	Description Capital - Equipment License	Old 158,229.12	+ or (-) 18,218.00	New 176,447.12
	*			176,447.12
24-4270-510-00	Capital - Equipment License	158,229.12	18,218.00	176,447.12
24-4270-510-00 24-4270-993-00	Capital - Equipment License Designated for Future Appropriation	158,229.12	18,218.00 (18,218.00)	176,447.12
24-4270-510-00 24-4270-993-00	Capital - Equipment License Designated for Future Appropriation	158,229.12 19,438.00	18,218.00 (18,218.00)	176,447.12 1,220.00
24-4270-510-00 24-4270-993-00 E-911 Justification:	Capital - Equipment License Designated for Future Appropriation	158,229.12 19,438.00 \$ 177,667.12	18,218.00 (18,218.00) \$ -	176,447.12 1,220.00 \$ 177,667.12

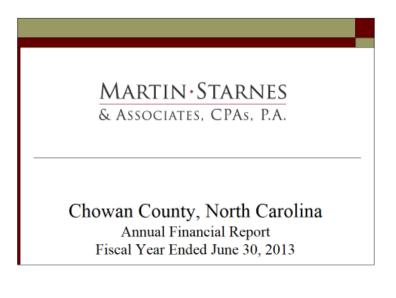
Chairman Nixon discussed the budget amendment to utilize monies from the building permits revenue to cover the costs of the courthouse keycard system.

Mr. Carawan explained that the revenues are currently more than budgeted and this was where he located monies to cover this expense.

Commissioner Smith moved to approve the consent agenda as presented. Chairman Nixon asked for all in favor, the motion passed (6-1 Nixon).

FY 2012-2013 Audit report

Cindy Mosley with Martin Starnes and Associated provided the Board with the following PowerPoint with highlights from the FY 2012-13 audit.



Audit Highlights

- Unmodified opinion
- □ Cooperative staff
- □ Implemented GASB 63 & 65

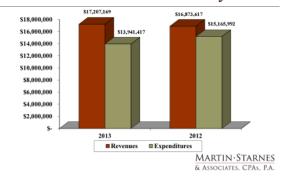
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Audit Process

- □ Planning and risk assessment
- Interim procedures
- Final procedures
- Year-round process

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General Fund Summary



Fund Balance

- Serves as a measure of the County's financial resources available.
 (Assets + Deferred outflows) (Liabilities Deferred inflows)
 - (Assets + Deferred outflows) (Liabilities Deferred inflows) – Fund Balance/Net position

5 Classifications:

- Non spendable
- Restricted
- Committed
- Assigned
- Unassigned

Fund Balance

Available fund balance as defined by the Local Government Commission (LGC) is calculated as follows:

Total Fund Balance

Less: Non spendable (not in cash form, not available) Less: Stabilization by State Statute (by state law, not available) Available Fund Balance

This is the calculation utilized as the basis for comparing you to other units and calculating your fund balance percentages.

Fund Balance Summary for the General Fund

General Fund – Operating	\$ 5,676,542
Revaluation Fund	\$ 92,593
Capital Reserve Fund	\$ 6,785
□ School Capital Reserve Fund	<u>\$ 297,704</u>
General Fund Consolidated	\$ 6,073,624

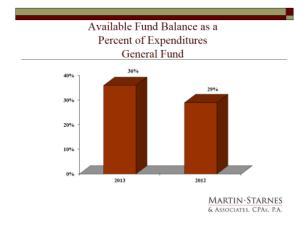
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Total Fund Balance General Fund

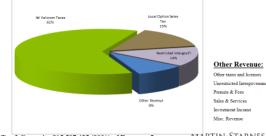


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Fund Balance Position General Fund		
Total Fund Balance	\$ 6,073,624	
Non spendable	- 21,000	
Stabilization by State Statute	- 944,909	
Available Fund Balance	\$ 5,107,715	
□ Available Fund Balance 2012	\$ 4,474,517	
Increase in Available FB	\$ 633,198	
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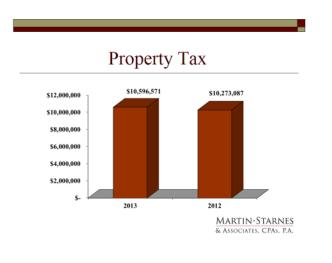


Top 3 Revenues: General Fund

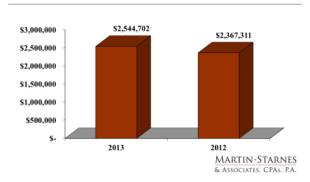


Top 3 Comprise \$15,507,435 (90%) of Revenues5

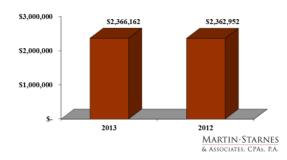
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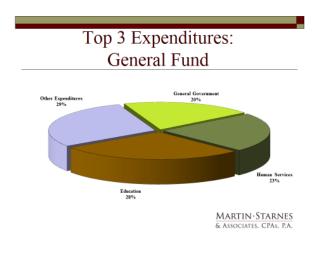


Sales Tax

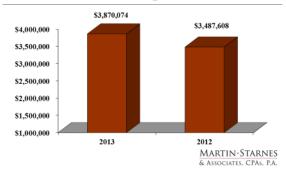


Restricted Intergovernmental

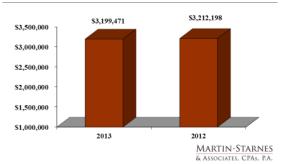




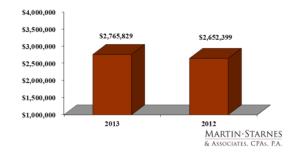
Education Expenditures



Human Services Expenditures



General Government Expenditures



Summary of Enterprise Funds

Change in Net Position	
Water	\$ (294,197)
Solid Waste	185,752
Emergency Management	(134,217)
Water Development	31,028

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Enterprise Fund – Water Fund

	<u>2013</u>	<u>2012</u>
Cash	\$ 848,512	\$ 890,931
Unrestricted Net Position	843,956	885,193
Cash flow from operations	102,521	193,324
Debt service requirement	0	0

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Enterprise Fund –Solid Waste Fund

	<u>2013</u>	<u>2012</u>
Cash	\$ 654,254	\$ 474,241
Unrestricted Net Position	702,900	517,148
Cash flow from operations	336,750	302,918
Debt service requirement	0	0
		Martin·Starnes

& ASSOCIATES, CPAS, P.A.

Enterprise Fund – Emergency Medical Services Fund

	<u>2013</u>	2012
Cash	\$-0-	\$-0-
Unrestricted Net Position	(204,986)	(161,332)
Cash flow from operations	(394,178)	(120,707)
Debt service requirement	3,251	58,862
		MARTIN·STARNES

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Water Development Capital Reserve Fund

Cash Balance

□ Water Development \$ 605,399

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The Board discussed the report and presentation. Chairman Nixon asked for any Board questions or comments.

Commissioner Kehayes asked for clarification on the Water Fund.

Mr. Lamb noted that the Water Fund had some capital improvements and large purchases in FY 2012-13.

Commissioner Winborne asked for any information on internal controls or recommendations.

Ms. Mosley stated that finding would always be there.

Mr. Lamb noted that a comment problem to have when there is a small staff in that department.

Commissioner Smith noted a previous finding from the last year audit has been addressed and is no long on the report.

Being no further comment, Chairman Nixon thanked Ms. Mosley for the report.

Planning Item

Planner Landin Holland stated that the Board will consider an application for a text amendment to the Chowan County zoning ordinance involving regulations for wind farms. He noted the farm is proposed to border the Chowan County/Perquimans County line. He stated the Board is not to discuss the actual project but only the text amendment. He stated the actual project application will be discussed later. He stated that changes include height, time frame for removal of nonfunctioning equipment is currently 6 months the request now is for 1 year, bonding or securities for decommissioning currently is 125% and the request is for estimated cost of removal minus salvage value, permits are now required to be obtained before the conditional use permit is issued Apex is requesting that the permit be conditional to obtaining all required permits and the final changes involves material versus non-material design changes, Apex is asking that minor changes not require additional review or approvals.

Commissioner Smith asked about removal of footings of the turbines.

Mr. Holland stated the footing would remain buried.

Commissioner Kehayes stated his concern over discussing the text amendment based on industry standards.

Commissioner Lawrence stated his concern with the project.

Representatives from Apex discussed the proposed project and specs with the Board.

The Land program manager for Weyhauser stated her support of the project and stated her background in working with Apex on projects.

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

James Roberson 124 Bayview Trail, Edenton, NC spoke in opposition to the text amendment and the project stating safety, environmental, health and aesthetic concerns.

Richard Bunch, Marketing Manager for NC Northeast Commission, stated his support of the project and application noting positive fiscal impact for Chowan County.

Win Dale, 124 Emperor Landing Rd and Chamber of Commerce Director, stated that after seeing various presentations and research of the company, and stated his support of the project and the company.

Linda Petersen, 116 Horniblow Pt Rd, Edenton, NC stated her support of the proposed amendment to the ordinance.

Gary Swanner 121 Kim Drive, Edenton, NC stated his support of the request in order to allow the company to investigate a project for Chowan County and Edenton.

Frank Miglorie, Executive Director of the Edenton Chowan Partnership stated his support of the application.

Steve Lane 723 McMullen Ave, Edenton, NC requested that the County be diligent in researching the project and any potential negative impact.

Jeff Sawkowski, 118 Overton Lane, Edenton, NC stated his concern that a change to the ordinance and how it will impact the entire county.

Les Kersey 3065 Conner's Drive, Edenton, NC stated his concern over the height of the tower and the non-existence of 600 foot towers in the United States.

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

The Board discussed fire protection at the site and the height of towers.

Commissioner Winborne moved to approve the text amendment application.

Chairman Nixon asked the Planner if the application will come back to the Board.

Mr. Holland stated yes, a Conditional Use or Special Use Permit will require Commissioner approval.

Commissioner Winborne stated that he felt approval of the text amendment will allow the company the chance to study the site further and bring forward a plan.

Commissioner Kehayes stated his concern over the discussion about the actual site stating that would be done later.

Commissioner Lawrence stated his concern would be later with regards to environmental impacts.

Commissioner Bonner stated that if Perquimans has already approve the ordinance, Chowan will see the project anyhow. He stated he felt comfortable with the text amendment. He stated site concerns will be addressed at a later date.

Chairman Nixon stated he has researched the company and the reviews were mixed. He stated that the site application will come in the future and that will allow the Board more time to study the project.

Chairman Nixon asked for all in favor of the application the motion passed unanimously (7-0).

Chairman Nixon called for a 5 minute recess. After the recess Chairman Nixon called the meeting back to order.

Regional Bike Plan

Chairman Nixon stated this item was placed back on the agenda for discussion after several residents complained about the plan not being approved. He stated he invited Sterling Baker with NCDOT to discuss the plan and answer questions.

Mr. Baker stated that the plan was initiated by the Albemarle Commission's RPO. He stated that it covers a 9-10 county region. He stated DOT funded the study. He noted that there have been changes in the DOT funding structures including now the RPO will have more input for ranking and rating DOT projects in the future.

Commissioner Kehayes asked if Mr. Baker has been involved in other bike plans.

Mr. Baker stated that DOT manages the bike paths at the Outer Banks. He shared information with the new funding formulas for the region. He discussed how the monies for the Ferry System are also included and will take a large portion of these monies. He noted that based on the previous formula DOT received around \$700,000,000 and now will get around \$60,000,000 to \$90,000,000.

Chairman Nixon asked if the plan could be modified in the future.

Mr. Baker stated that the RPO is requesting approval of a resolution to support the plan. He stated it should be able to be modified on a 2 year basis.

Commissioner Bonner asked if there was any objection from other counties.

Mr. Baker stated he was not aware of any other objection.

The Board discussed the plan and noted that it may be some time before DOT has the monies to begin the process of building it out.

Commissioner Smith moved to adopt the resolution of support of the plan.

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

RESOLUTION

WHEREAS, the Albemarle Commission and Albemarle RPO, participating local governments, and its subcontractor Alta/Greenways, has prepared the Albemarle Regional Bicycle Plan (the Plan) and;

WHEREAS, the purpose of the Plan is to study the feasibility of establishing an interconnected network of off-road and on-road bicycle facilities throughout the entire Albemarle region and;

WHEREAS, the proposed bicycle network include lands located within the multiple counties and municipalities of the Albemarle Region including Chowan County, and;

WHEREAS, the Plan process involved public participation, and;

WHEREAS, the Plan was financed by a North Carolina Department of Transportation grant.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Chowan County Board of Commissioners that The Plan and related materials are acceptable and; The Plan and related materials will be used to guide future bicycle transportation development, operations, and maintenance.

Appointments

Chairman Nixon opened the floor for nominations for the following Board vacancies

Town of Edenton Planning Board

Commissioner Kehayes moved to reappoint Bill Moore and EC Toppin. Chairman Nixon asked for all in favor the motion passed unanimously (7-0).

Chowan Planning Board

Commissioner Winborne moved to nominate William Monds. Chairman Nixon asked for all in favor, the motion passed unanimously (7-0).

Commissioner Kehayes moved to nominate Jim Robison. Chairman Nixon asked for all in favor, the motion passed unanimously (7-0).

Chowan County Board of Adjustment

Commissioner Kehayes moved to nominate Shelli Simmons. Chairman Nixon asked for all in favor, the motion passed unanimously (7-0).

Library Board of Trustees

The Board discussed the applicants and the County's policy on residency for Board appointments. It was decided to discuss this further at a future meeting.

Recreation Capital Projects

Recreation Director Jason Petersen provided the Board with quotes for renovation to the roof at Earnhardt Field and the lights at Park Avenue Softball Field.

Commissioner Smith moved to award the contract Top Sail Construction for the roof repairs. Chairman Nixon asked for all in favor, the motion passed unanimously (7-0).

Commissioner Winborne moved to award the contract to Alexander Electrical for the lighting repairs and to take ½ of the monies from school capital improvements for the lighting since the field is shared by the School. Chairman Nixon asked for all in favor, the motion passed unanimously (7-0).

Extension Presentation and Resolution of Support

Extension Director Katy Shook invited the Board to attend a listening session that will discuss state budget cuts and local impact for Extension. She stated the meeting would be in Roper at the Vernon James Center. She added that in the future she will bring Mary Morris, the new Family and Consumer Science Agent to introduce her to the Board.

Commissioner Smith stated he has provided the Board with a copy of a proposed resolution in support of filling vacant agent positions in Extension with Ag Agents.

Board Clerk Susanne Stallings read the resolution into the record.

RESOLUTION OF SUPPORT

WHEREAS, North Carolina Cooperative Extension.Service serves all 100 counties in North Carolina including Chowan County, and

WHEREAS, North Carolina Cooperative Extension Service mission is to empower people and provide solutions including Agricultural Services, and

WHEREAS, Agriculture provides an estimated financial impact of \$52,689,170 in Chowan County, and

WHEREAS, Agriculture in Northeast North Carolina has an economic impact that exceeds \$1.5 Billion annually, and

WHEREAS, North Carolina Cooperative Extension Service Agricultural Extension Agents provide unbiased and research-based pesticide and variety information to area farmers, and

WHEREAS, area Agricultural Extension Agents provide on farm demonstrations including the Northeast Ag Expo and Blacklands Tour, and

WHEREAS, North Carolina Cooperative Extension Service has a total of Four (4) Agricultural Agent vacancies in Northeastern North Carolina, and

BE IT RESOLVED that we, the Chowan County Board of Commissioners fully support North Carolina Cooperative Extension Service and the work this organization does to make our communities better places in which to live and work, and

BE IT FURTHER RESOLVED that this resolution be spread upon other Counties in the northeast to request that North Carolina State University and North Carolina A&T State University fill vacant Agent positions with Ag Agents.

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

Resolution, from Chairman/Managers Regional Meeting

Chairman Nixon provided the resolution for Board consideration.

Commissioner Kehayes moved to adopt the resolution as presented. Chairman Nixon asked for all in favor, the motion passed unanimously (7-0).

RESOLUTION TO AMEND THE BIGGERT-WATERS FLOOD INSURANCE REFORM ACT OF 2012

WHEREAS, the home building and real estate industries are major economic drivers throughout the State as well as Northeastern North Carolina; and

WHEREAS, Congress passed the National Flood Insurance Act of 1968 specifically to ensure flood insurance coverage was available on reasonable terms and conditions to citizens who have a need for such protections; and

WHEREAS, the National Flood Insurance Program (NFIP) plays a critical role in the location, placement, and construction of homes and structures within a community, and provides for an estimated 5.68 million National Flood Insurance Program (NFIP) policies nationwide; and

WHEREAS, under the National Flood Insurance Program (NFIP), participating communities with structures located and built in the Special Flood Hazard Areas (Flood Zones A and V), that are backed by federal lender institutions, are required to purchase mandatory flood insurance policies; and

WHEREAS, on July 6, 2012, the President signed into law the Surface Transportation Bill (R.R. 4348), which included the Biggert-Waters Flood Insurance Reform Act (BW-12); and

WHEREAS, the Biggert-Waters Flood Insurance Reform Act re-authorizes the National Flood Insurance Program (NFIP) through 2017, but also puts into place many significant reforms as a result of the high losses incurred by the program in 2005 from Hurricane Katrina and in 2012 from Super Storm Sandy to restore the program's financial solvency; and

WHEREAS, these reforms outlined below include dramatic and in many cases immediate changes for structures built Pre-Firm (Section 205 of the Act), and structures that were built Post-Firm (Section 207 of the Act), as well as, lowering the threshold for what is deemed to be a substantial improvement; and

WHEREAS, the Biggert-Waters Flood Insurance Reform Act will implement actuary insurance rates for homeowners, business owners, and prospective buyers upon the sale or purchase of real property or a lapse in insurance coverage after July 1, 2012; and

WHEREAS, Section 205 of the Biggert-Waters Flood Insurance Reform Act removes historical subsidized insurance rates for all non-primary residences and business properties that were lawfully constructed prior to the first Flood Insurance Rate Maps (Pre-Firm) and are now subject to receive "Full Risk Rates" at a rate increase of twenty-five percent (25%) per year until the "Full Risk Rate" is achieved; and

WHEREAS, Section 207 of the Biggert-Waters Flood Insurance Reform Act removes historical subsidies for any structure (formerly grandfathered of non-subsidized) that is affected by a FIRM designation to a Special Flood Hazard Area and will be subject to receive "Full Risk Rates" at a rate increase of twenty percent (20%) per year until the "Full Risk Rate" is achieved; and

WHEREAS, the Biggert-Waters Flood Insurance Reform Act redefines the term "substantial improvement," thereby discouraging the remodeling and renovation of existing structures by lowering the threshold for "substantial improvement" from fifty percent (50%) of the value of the structure to thirty percent (30%); and

WHEREAS, nationwide the National Oceanic and Atmospheric Administration (NOAA) data shows that fifty-two percent (52%) of the United States population lives in a coastal watershed county, and more than fifty percent (50%) of the United States population lives near a river, creek, bay, sound, lake, stream, or ocean; and

WHEREAS, Chowan County is extremely concerned that the Biggert-Waters Flood Insurance Reform Act will financially impact home and business owners, negatively affect property values, discourage construction activities, hinder real estate transactions, and may result in foreclosures to owners who have lawfully constructed their homes and businesses in accordance with National Flood Insurance Program (NFIP) requirements and the North Carolina State Building Code.

NOW, THEREFORE, BE IT RESOLVED that the Chowan County Board of Commissioners urges Congress to amend the Biggert-Waters Flood Insurance Reform Act to:

- Provide a slower rate of increase to flood insurance rates for policy holders required to meet "Full Risk Rates."
- Extend the grandfathering provisions for all existing policy holders who lawfully constructed their homes per the National Flood Insurance Program (NFIP) requirements and the North Carolina State Building Code (in affect at the time of construction).
- Reinstate the substantial improvement threshold at the historical limit of fifty percent (50%) of the value of the structure.
- Address the cost savings that could be incurred through the rate-making processes by participating National Flood Insurance Program (NFIP) communities that engage in Federal Storm Damage Reduction projects, or have specific State building codes, or utilize enhanced construction standards that would further limit flood loss and decrease the likelihood of widespread damage.

BE IT FURTHER RESOLVED that the Chowan County Board of Commissioners urges Congress to direct an independent examination to:

• Review the National Flood Insurance Program's (NFIP) proposed actuarial rates, issues and alternative solutions regarding the National Flood Insurance Program's (NFIP) solvency, and assess the burden that the Biggert-Waters Flood Insurance Reform Act of 2012 will impose on insurance policy holders.

Adopted this the 2nd day of December, 2013.

External Board/Committee reports

Chairman Nixon requested this be placed on the December day meeting agenda.

Real Property Sale 242 Gliden Road, Hobbsville, NC

Ms. Stallings requested that the Board consider acceptance of the highest upset bid in the amount of \$4,500. She noted that this bid was advertised for 10 days and was not upset.

Commissioner Smith moved to accept the bid and sell the property.

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

911 Fund Budget Amendment

Cord Palmer, provided the Board with a budget amendment to cover the expense of upgrading the console equipment in 911.

BA-1314-031

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

(7-0)

Timely and Important Matters

Commissioner Winborne requested that a budget amendment be brought forward at the next meeting to take the monies from the sale of real property and put them in the capital fund.

<u>Adjourn</u>

Being no further business, Commissioner Bonner moved to adjourn the meeting. Chairman Nixon asked for all in favor, the motion passed unanimously (7-0).

D. Keith Nixon, Chairman

Susanne Stallings, Clerk