

Regular Meeting
Monday, January 4, 2016
Chowan County Public Safety Center
305 West Freemason St.
Edenton, NC
6:00pm

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

Commissioner Ellis Lawrence was absent.

Staff present: County Manager Kevin Howard, 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 Kehayes then offered the invocation.

Approval of Agenda

Commissioner Mitchener moved to approve the agenda. Chairman Smith asked for all in favor, the motion passed unanimously (6-0).

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.

Ron Cummings 317 Center Hill Rd. Tyner, NC provided the Board with information on the Northeastern North Carolina Rural Heritage Museum information. He stated that Bob Harrell has been collecting turn of the century farm equipment. He stated that Mr. Harrell has been working to locate a site in the County that is suitable for a museum for the equipment. He provided the Board with information on the concept for a museum. (a copy of this handout is in the meeting file labeled January 4, 2016). Mr. Cummings provided the Board with a map highlighting property owned by the County adjacent to the Boys and Girls Club (Highway 32 and Morristown Road). He noted that the 60 acres are owned by the County and are of interest to those planning the museum. He stated he would like for the Board of Commissioners to review the materials and provide an answer as to whether the County is interested in letting Mr. Harrell use the property for the museum site.

Consent Agenda

a. Minutes

Chairman Smith asked for action on the minutes of the December 7, 2015 meeting for the Board's review and consideration.

Commissioner Kehayes moved to approve the minutes as presented. Chairman Smith asked for all in favor, the motion passed unanimously (6-0).

b. Budget Amendment

BA 1516-014

Account Code	Description	Old	+ or (-)	New	
Tax:					
11-4140-126-00	Salaries & Wages - PT	4,080.00	4,500.00	8,580.00	
11-4140-121-00	Salaries & Wages - Regular	172,834.66	(4,500.00)	168,334.66	
Courts:					
11-4160-181-00	FICA Tax	33.00	2.00		
11-4160-185-00	Unemployment	6.00	(2.00)		
Central Communications:					
11-4270-122-00	Salaries & Wages - PT	28,500.00	2,872.49	31,372.49	
11-4270-183-00	Hospitalization	62,446.00	(689.49)	61,756.51	
11-4270-185-00	Unemployment	2,183.00	(2,183.00)	-	
		Balanced:	270,082.66	-	270,043.66
Justification:					
<i>Addressing employment costs</i>					

BA1516-015

Account Code	Description	Old	+ or (-)	New	
DSS:					
12-3531-230-02	Day Care Revenues	721,706.00	(112,439.00)	609,267.00	
12-5380-539-06	Day Care Expenditures	721,706.00	(112,439.00)	609,267.00	
		Balanced:	-	-	-
Justification:					
<i>Reduction in Day Care Allocation</i>					

Also attached as FYI are MBA 1516-012 and MBA1516-013

Commissioner Nixon moved to approve the budget amendments as presented. Chairman Smith asked for all in favor, the motion passed unanimously (6-0).

c. **Economic Improvement Council, annual Community Services Block Grant Program**

Ms. Stallings stated that the Board is asked to acknowledge receipt of the 2016 Grant Application from EIC. There are no matching County funds, the applicant is required to notify the County Board of Commissioners of their intent to apply for these funds annually. She noted that a copy of the full grant application is in the Clerk's office.

Commissioner Mitchener moved to acknowledge the receipt of the application. Chairman Smith asked for all in favor, the motion passed unanimously (6-0).

d. **2016 Committee Assignments**

Chairman Smith presented the Board with the recommended 2016 Commissioner Boards and Commissions appointments.

Commissioner Nixon moved to approve the assignments as presented.

Commissioner Bonner noted that he has personal obligations which will prohibit him from attending meetings of the DF Walker Study Committee.

The Board discussed that Commissioner Mitchener attended in the absence of Commissioner Bonner.

Commissioner Nixon asked to rescind his previous motion. He then moved to approve the committee assignments as amended to replace Commissioner Bonner with Commissioner Mitchener on the DF Walker Study Committee. Chairman Smith asked for all in favor, the motion passed unanimously (6-0).

2016 Commissioner Committee Appointments

Chairman Jeff Smith presents the following Committee appointments for the year 2016

Town/County	Chairman/Vice Chairman
Legislative Liaison	Chairman
TDA	Nixon
Destination Downtown	Mitchener
DSS	Kehayes
Mental Health Board	Kehayes
Solid Waste Authority	Nixon

Landfill Board (PCG)	Winborne, Nixon
Health Dept. Board	Nixon
Hospital Local Directors Council	Mitchener
Recreation Adv. Board	Bonner
Albemarle Commission Bd of Dir	Mitchener
Albemarle Commission RPO	Smith
Albemarle Commission RPO Alt	_____
Northeast Workforce Dev. Board	Lawrence
Airport	Lawrence
Bd of Education liaison	Chairman, Vice Chairman
COA Board	Lawrence
Sr. Center Advisory Board	Mitchener
Three Rivers Healthy Carolinians	Mitchener
Voluntary Ag District	Smith
Animal Shelter Advisory Bd.	Winborne
ARC&D Board	Smith
JCPC Council	Bonner
LEPC	Bonner
Edenton Chowan Partnership (ECP)	Smith, Nixon, Bonner
Recreation Initiative Study Comm	Bonner, Nixon, Smith
DF Walker Study Committee	Winborne, Mitchener
ABC Liaison Comm	Chairman/Vice Chairman
Planning/Enterprise Committee	Winborne, Nixon, Bonner

Amendment to Contract to Provide County Rural Fire Service – Center Hill Crossroads Fire Department

Chief of Center Hill Crossroads Fire Department, Mike Hamilton requested an amendment to the 2013 contract to include the language that the fire department agrees to provide “light rescue” in addition to providing rural fire services and extrication services to all property within its 6 Mile Insurance Rated and Emergency Response Districts. He stated that this is only an addition to the 2013 contract to include the language of “Light Rescue”. He stated this amendment will allow the fire department to apply for grants for equipment.

Commissioner Mitchener asked if there are any budget implications from the amendment.

Chief Hamilton stated no.

Commissioner Winborne moved to approve the amendment of the contract. Chairman Smith asked for all in favor, the motion passed unanimously (6-0).

COUNTY OF CHOWAN / CENTER HILL-CROSSROADS FIRE DEPARTMENT

CONTRACT TO PROVIDE COUNTY (RURAL) FIRE SERVICE

NORTH CAROLINA
CHOWAN COUNTY

This contract was made and entered by and between the Center Hill-Crossroads Fire Department, a rural Fire Department, hereinafter called the Fire Department and the County of Chowan, hereinafter called the County;

WITNESSETH

That for and in consideration of the mutual covenants hereinafter contained, and pursuant to authority granted by G.S. 153A-233, do hereby covenant and agree as follows:

1. A. The Fire Department agrees to furnish and provide continuing fire protection, light rescue and extrication services to all property within its 6 Mile Insurance Rated and Emergency Response Districts. (See Appendix 1 * Center Hill-Crossroads Fire Department 6 Mile Insurance and Emergency Response District Maps).
- B. By dispatching upon call of any resident or property owner within said districts, Equipment consisting of (See Appendix 2 * Center Hill-Crossroads Fire Department Equipment List) and adequate personnel (See Appendix 3 * Center Hill-Crossroads Fire Department Personnel List) to operate the same.
2. The County agrees to provide funding to the Fire Department on an annual basis as appropriated by its Board of Commissioners during its annual budget process. The Fire Department's Chief or his/her designate is responsible for administering and tracking the funding provided. Specifically, a copy of a proposed budget for the Fire Department's funding shall be submitted to the County prior to each annual appropriation. If requested by the County anytime during the year of service, the Fire Department shall also provide specific financial documents which indicate the actual expenditures incurred by the Fire Department, including annual audit.
3. This contract may be terminated by either party at the end of the fiscal year by giving 180 days written notice of its intent to do so to the other party by registered or certified mail.

In witness whereof the Center Hill-Crossroads Fire Department has caused these presents to be signed in its name by its Fire Chief and attested by its Secretary, and the County of Chowan has caused these presents to be signed in its name by the Chairman and attested by the Clerk of its Board of Commissioners.

This the 4th day of January, 2016.

Public Hearing – Noise Ordinance Amendment

Sheriff Goodwin provided the Board with information on the proposed revisions to the noise ordinance. He stated the ordinance has not been updated since 1992. He stated that deputies have written citations and they have been thrown out by the district court judge. He stated he requested noise ordinances from all 100 counties in North Carolina. He compiled information from the ordinances. He stated this ordinance only addresses noise from 11pm to 7am. He stated this is not a 24 hour ordinance. He stated there were questions about the Db requirement for commercial and industrial and noted this was left in the draft copy at the previous meeting as a clerical error, he stated the Sheriff's Office did not wish to be involved in zoning issues. He stated his request to have an ordinance in place that will allow the Sheriff's Office to enforce laws.

Commissioner Nixon moved to open the public hearing to consider adoption of a revised Noise Ordinance for Chowan County. Chairman Smith asked for all in favor, the motion passed unanimously (6-0).

Chairman Smith asked for any public comment on the proposed noise ordinance. There was none.

Commissioner Bonner moved to close the public hearing. Chairman Smith asked for all in favor, the motion passed unanimously (6-0).

Ms. Stallings noted a spelling correction to page 3 of the ordinance, section 3 letter "S". From Hard to Heard.

Commissioner Nixon asked if the ordinance is strictly from 11pm to 7am.

Sheriff Goodwin stated yes.

Commissioner Winborne asked if the document was legal.

Ms. Womble stated she looked at the first draft and the current draft with all changes and feels this is an effective ordinance. She stated that the Chief District Court Judge Edgar Barnes has dismissed cases because he felt the previous ordinance was too vague.

Sheriff Goodwin noted the ordinance has been reviewed by the Judge.

Commissioner Bonner asked if the Sheriff's Office will give warnings for violations.

Sheriff Goodwin stated the Sheriff's Office will give one warning and the second complaint will receive a citation.

Commissioner Bonner moved to approve the noise ordinance as presented.

Commissioner Kehayes asked if a citation is a cease and desist order.

Sheriff Goodwin stated the charge is a misdemeanor and the violator can be arrested.

Chairman Smith asked for all in favor, the motion passed unanimously (6-0).

CHOWAN COUNTY NOISE CONTROL ORDINANCE

LIST OF SECTIONS.

- 1. AUTHORITY TO REGULATE.**
- 2. DECLARATION OF POLICY.**
- 3. DEFINITIONS.**
- 4. PROHIBITION OF NOISE POLLUTION**
- 5. STANDARDS**
- 6. ENUMERATED NOISES**
- 7. EXCEPTIONS.**
- 8. ENFORCEMENT AND DUTIES**
- 9. PRESUMPTION IN PROSECUTION FOR NOISE VIOLATIONS**
- 10. VIOLATIONS**
- 11. EFFECTIVE DATE**

SEC. 1. AUTHORITY TO REGULATE

The authority to regulate, restrict, or prohibit the production or emissions of noises or amplified speech, music, or other sounds that tend to annoy, disturb, or frighten its citizens, is conferred upon the counties by North Carolina General Statutes §153A-133.

SEC. 2. DECLARATION OF POLICY

It is hereby declared to be the policy of the Chowan County Board of Commissioners to prevent unreasonably loud, disturbing or unusually excessive noise. It is the intention of the Chowan County Board of Commissioners to maintain a low noise level within Chowan County so as to preserve, protect and promote the public health, safety and welfare and to foster convenience, peace and quiet within Chowan County for its inhabitants and residents alike. The Chowan County Board of Commissioners finds that every person is entitled to have noise levels maintained which are not detrimental for 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.

SEC. 3. DEFINITIONS

- (a) A-weighted sound level: The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A).

- (b) Ambient Base Noise Level: The average sound pressure level in dB(A) during a reasonable period of time, as determined by employing a sound level meter as described in section 5.1(d) of this ordinance and excluding impulsive sounds.
- (c) ANSI: American National Standards Institute or its successor bodies.
- (d) Construction: On-site erection, fabrication, installation, alteration, demolition or removal of any structure, facility or addition thereto, including all related activities, including, but not restricted to, clearing of land, earth moving, blasting and landscaping.
- (e) Common Carrier: Any motor vehicle for hire by the public or/and motor vehicle that is part of a public transportation system.
- (f) Daytime Hours: 7:00 a.m. to 11:00 p.m., local time.
- (g) Decibel (dB): A unit for describing the amplitude of sound, equal to 20 times the logarithm to the base 10 ratio of the pressure of the sound measured to the reference pressure, which is 20 micro newtons per square meter.
- (h) dB(A): Sound level in decibels, determined by the “A” weighing scale of a standard sound level meter having characteristics defined by the American National Standards Institute Publication ANSI, Si.4-1971, for a Type 2 instrument.
- (i) Emergency: Any condition that exists or is imminent during a time of public crisis, disaster, rioting, catastrophe, or similar public emergency.
- (j) Emergency Work: Work made necessary to restore property to a safe condition, work required to protect, provide, or prevent persons or property from danger or potential danger; or work by private or public utilities when restoring utility service.
- (k) Impulsive Sounds: Sounds of short duration, usually less than one second, with an abrupt onset and rapid decay. (Examples of sources of impulsive sound include explosions, drop forge impacts and discharge of firearms.)
- (l) Legal Holiday: Any day defined in the North Carolina General Statutes §103-4(a).
- (m) Motor Vehicles: Every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle, as defined in North Carolina General Statutes §20-4.01(23)(27).
- (n) Muffler: An apparatus consisting of a series of chambers or baffle plates designed for the purpose of transmitting gases while reducing sound emanating from such apparatus.
- (o) Noise Sensitive Zone: Any area within 200 feet from the property line of any school, church, nursing home, hospital or funeral home, day care facility, or Court.

- (p) Occupancies: In classifying uses under this section, the zoning classification of an area may be considered, however, the actual use of premises shall control when the use and the zoning classification conflict. Any area not otherwise classified under this section shall be considered commercial. In case of multiple use the more restrictive use category shall prevail.

Use Occupancies shall be as follows:

- (1) Residential: All premises containing habitually occupied sleeping quarters. Premises containing transient commercial sleeping quarters are considered commercial (see below). Hospitals, nursing homes, schools, libraries, and churches are considered residential.
 - (2) Public Space: Any area owned, utilized or occupied by a municipal, county, state or federal agency, including, but not limited to, park or recreation areas and streets and sidewalks.
 - (3) Manufacturing/Industrial: All premises where goods or wares are made, warehoused or stored, or where manufacturing is legally permitted.
 - (4) Agricultural: All premises which are bona fide farms or which are characterized by farming activities as the primary use of the premises.
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- (q) Owner of Real Property: The owner or listing owner of real property as defined in North Carolina General Statutes §105-302
 - (r) Person: Any individual, association, partnership, or corporation. Any officer, employee, department, agency or instrumentality of the United States, the State of North Carolina or any political subdivision thereof.
 - (s) Plainly Audible: Any sound produced by a Sound Magnifying Device which can be clearly heard at a distance of 75 feet. Measurement standards shall be the auditory senses, based upon the direct line of sight. Words or phrases need not be discernible and bass reverberations are included.
 - (t) Public Right-of-Way: Any street, avenue, boulevard, highway, sidewalk, alley, or similar place which is owned or controlled by a governmental entity.
 - (u) Public Space: Any real property or structures thereon which are owned or controlled by a governmental entity.
 - (v) Public Waterways: Any navigable waters not privately owned.
 - (w) Residential Area: An area designated for any residential use under the Chowan County Zoning Ordinance.

- (x) Sound: An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression, and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.
- (y) Sound level: The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, or C as specified in American National Standards Institute specifications for sound level meters (ANSI S1.41971 or the latest approved version thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.
- (z) Sound Level Meter: Any instrument certified to meet or exceed ANSI standards which includes an omnidirectional microphone, an amplifier, an output meter and frequency weighting network(s) for the measurement of sound level.
- (aa) Sound-Magnifying Device. Any device or machine for the magnification of a human voice, music or any other sound. "Sound magnifying device" shall not include emergency warning devices on police, fire, ambulance or other emergency vehicles, nor shall it include horns or steam whistles which are used for purposes authorized by sections 7(a) through (j)
- (bb) Sound pressure level: Twenty times the logarithms to the base 10 of the ratio of the root mean squared (RMS) sound pressure to the reference pressure of 20 micro newtons per square meter.
- (cc) Subdivision: An area designated for any residential use under the Chowan County Subdivision Ordinance.
- (dd) Tenant: One who resides on or has the temporary use or occupation of real property owned by another person. In the case of residential property, "tenant" shall be construed to mean any individual actually residing at the residential location, whether such person is listed on a lease or not.
- (ee) Unnecessary Noise: Any excessive or unusually loud sound or any sound which disturbs the peace and quiet of any neighborhood or which does annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of any person or causes damage to property of business.

SEC. 4. PROHIBITION OF NOISE POLLUTION

- (a) It shall be unlawful for any person to cause or allow the emission of any unreasonably loud, disturbing and unnecessary noise in the county. Specifically, it shall be unlawful to create or emit noise of such character, intensity or duration as to be detrimental for life, health, or enjoyment of property of any individual or that is above the sound emission decibel limits set forth herein.

- (b) It shall be unlawful to play any radio, music player, television, audio system or musical instrument in such a manner or at such volume as to annoy or disturb the quiet, comfort or repose of neighboring inhabitants or at a volume which is plainly audible at a distance of 75 feet and is within the provisions of Section 5.3, Table 1 of this Ordinance or to persons other than those who are in the premises in which such device or instrument is played and who are voluntary listeners thereto.
- (c) Except for organized events which have received any type of permit required in conjunction with the event, it shall be unlawful to play any radio music player, television or audio system upon a public right of way or upon other public property in such a manner or at such a volume as to disturb the quiet, comfort or response of other persons.
- (d) It shall be unlawful to play any radio, music player or audio system in a motor vehicle at such volume as to disturb the quiet, comfort or repose of other persons or at a volume which is clearly audible at a distance of not less than 30 feet.

SEC. 5. STANDARDS

5.1

- (a) Standards, instrumentation, personnel, measurement procedures, and reporting procedures to be used in the measurement of sound shall be as specified in this section, and as directed by the Chowan County Sheriff.
- (b) Sound level measurement shall be made with a sound level meter using the A-weighting scale, set on "slow" response.
- (c) Sound level meters shall be at least Type II meeting American National Standards Institute (ANSI) S1.4-1971 requirements. Persons using the sound level meters shall be trained in sound level measurement and the operation of sound level measurement equipment.
- (d) The sound level measurement shall be determined as follows:
 - (1) Calibrate the sound level meter after each use to ensure proper operations.
 - (2) Set the sound level meter on the "A" weighted network at slow response.
 - (3) Set the omni-directional microphone in an approximately seventy-degree position in a location which complies with the subsections (1) and (2) above. The operator of the sound level meter shall face the noise source and record the meter's instantaneous response (reading) observed.

5.2 Maximum permitted sound levels by use occupancy.

- (a) The use of sound amplifying equipment is limited to the conditions specified in this section.
- (b) Except as allowed in section 7(a) through (j) of this ordinance, no person shall operate or cause to be operated any source of sound in such a manner as to create a sound level which at its peak exceeds the limits set forth for the use occupancy categories in Section 5.3 Table 1 when measured at or beyond the point on the property line closest to the dwelling located on the property from which the sound complaint originates. For purposes of measurement, the back of the curb, the outside edges of driveways, fences, hedges, or other physical features commonly associated with property boundaries are presumed to be at a point which is at or beyond the property line. In all cases the maximum sound level permitted by use occupancy shall be determined on the basis of the use occupancy of the property from which the sound originates and not by the use occupancy of any surrounding property. Sound which originates from a dwelling unit in a duplex or other multifamily housing unit shall be measured from any point which is at least 25 lineal feet, whether inside or outside a building, from the nearest point of the enclosed or habitable space of the dwelling unit from which the sound originates.

5.3 TABLE 1

SOUND LEVELS BY USE OCCUPANCY

Use Occupancy Category	Time	Sound Level Limit (dB(A))
Residential / Mobile Home Park	11:00 p.m.—7:00 a.m.	50

5.4 Interference

It shall be unlawful for any persons to interfere, through the use of sound or otherwise, with the taking of sound level measurements.

SEC. 6. ENUMERATED NOISES

In addition to any other violation of this article, the acts enumerated below are specifically declared to be unreasonably loud, disturbing, and annoying or unnecessary noise, the creation or emission of which shall be unlawful. Such enumeration shall not be deemed to be exclusive:

- (a) The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle, except as a danger signal, so as to create any unreasonably buds or harsh sound or the sounding of such device for an unnecessary and unreasonable period of time.
- (b) The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such manner as to create loud or unnecessary grating, grinding, rattling or other noise.
- (c) The use of any gong or siren upon any vehicle other than police, fire, ambulance or other emergency vehicles.
- (d) The playing of any sound magnifying device, radio, television, phonograph amplifier system, tape deck, tape recorder or other musical instrument in such a manner or with such volume, between 11:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of any person or persons in any dwelling, hotel or other type of residence.
- (e) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorboat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (f) The use of any mechanical device operated by compressed air unless the noise created thereby is effectively muffled and reduced.
- (g) The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in session, or within one hundred fifty (150) feet of any hospital which unreasonably interferes with the working of such institution or which disturbs or duly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, church, court or hospital street.
- (h) The creation of loud and excessive noise in connection with loading or unloading any vehicles, or the opening, closing or destruction of bales, boxes, crates and containers.
- (i) The shouting and crying of peddlers, barkers, hawkers or vendors which disturbs the quiet and peace of the neighborhood.
- (j) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale or display of merchandise. However, this section does not apply to noise created by devices, bands or musical instruments used in any public parade or public procession, nor to a public fair, public circus or public athletic event.
- (k) The firing or discharging of firearms in the streets or elsewhere for the purpose of making noise or disturbance.

- (l) The conducting of contests of “turkey shoots” where firearms are discharged in trials of skill and the contestants shoot for turkeys or other prizes, except between the hours of 7:00 a.m. and 11:00 p.m.
- (m) The keeping of any bird, livestock or other animal causing frequent or long continued noise disturbing the comfort or repose of individuals in the vicinity.

SEC. 7. EXCEPTION

The maximum noise limitation standards defined above shall not apply to the following sources:

- (a) Emergency warning devices or safety signals
- (b) All agricultural or farm related equipment used to plant, protect or the harvest of crops and timber;
- (c) Lawn care equipment used during the daytime hours;
- (d) Equipment being used for construction during daytime hours, provided that all equipment, manufacturers mufflers and noise reducing equipment is operated with all standard equipment, manufacturers mufflers and noise reducing equipment in use and in proper operating condition;
- (e) Parades, fairs, circuses, other similar public entertainment, turkey shoot where firearms are discharged in trials of skills and contestants shoot for turkeys or prizes, sporting events taking place during daytime hours in areas set aside for such activities, or any activities normally associated with any of the above, provided that in any sporting event utilizing motor vehicles the vehicles be equipped with properly operating mufflers and noise reducing equipment as would be required for operation of the motor on the public streets;
- (f) Chimes, Pressure Relief Valves, Church Bells and similar devices which operate during daytime hours for a duration of no longer that five (5) minutes in any given period;
- (g) Emergency work.
- (h) Noise from noisemakers on holidays and fireworks on holidays or at times allowed under a pyrotechnics permit issued pursuant to North Carolina General Statutes Chapter 14, Article 54.
- (i) Sound emanating from events for which a special use or conditional use permit has been issued under the Chowan County Unified Development Ordinance by the board of commissioners;

- (j) The provisions of this ordinance shall not apply for activities described in a permit issued by the Chowan County Manager. However no permit will be issued in a residential area without written permission from persons living within 200 feet of the described activity.

SEC. 8. ENFORCEMENT AND DUTIES

The Chowan County Sheriff's Office shall be responsible for the administration and enforcement of this ordinance as provided in North Carolina General Statutes §153A-123. In addition, the Chowan County Alcohol Beverage Control and any other Chowan County sanctioned law enforcement agency has the authority to enforce the provisions of this ordinance within their realm of jurisdiction. Duties of the Chowan County Manager shall involve the processing of permits to exceed.

SEC. 9. PRESUMPTION IN PROSECUTION FOR NOISE VIOLATIONS

The complaints of two or more persons, at least one of whom resides in a different home from the other complaining person, or persons at a distance of at least 75 feet from such device, when combined with the complaint of a duly authorized investigating person, shall be prima facie evidence that such sound is unreasonably loud, disturbing, and annoying or unnecessary noise. In such cases sound emission decibel measurements shall not be required for establishment of a prima facie case.

SEC. 10. VIOLATION

In accordance with North Carolina General Statutes §14-4:

10.1 Misdemeanors

Any person, group, event or business found in violation of this ordinance shall be guilty of a Class III misdemeanor, as provided by applicable state law. Each incident shall constitute a separate and distinct offense.

First Offense	\$100.00
Second Offense	\$200.00
Third and Subsequent Violations for Same Offense	\$300.00

10.2 Criminal Process

The responding law enforcement officer shall be authorized to serve either a criminal summons or misdemeanor citation, as appropriate, to the person in apparent or obvious control of the location or facility.

SEC. 11. EFFECTIVE DATE

This Ordinance as rewritten shall become effective on the date of adoption and shall supersede and repeal the Noise Ordinance adopted June 1, 1992

Public Hearing – Emergency Management Ordinance

Emergency Management Coordinator Cord Palmer stated the ordinance was last updated in 1983. He stated that NC General Statutes have updated requiring Chowan County to update its existing ordinance. He stated the County Attorney has assisted with re-writing the ordinance and he and the Manager have reviewed and they all agree on the proposed changes to the ordinance.

Commissioner Bonner moved to open the public hearing to consider adoption of an Emergency Management Ordinance for Chowan County. Chairman Smith asked for all in favor, the motion passed unanimously (6-0).

Chairman Smith asked for any public comment on the proposed noise ordinance. There was none.

Commissioner Bonner moved to close the public hearing. Chairman Smith asked for all in favor, the motion passed unanimously (6-0).

Commissioner Kehayes asked for clarification on the statement regarding the acceptance of volunteers. He asked who has this responsibility.

Mr. Palmer noted the volunteer groups are Red Cross or the local Interfaith groups.

Ms. Womble noted volunteers are part of an already approved plan and the Director of Emergency Management has that authority.

Commissioner Kehayes discussed his concern regarding scammers during disasters.

Chairman Smith discussed registration processes for those providing assistance.

Commissioner Nixon moved to approve the ordinance as presented. Chairman Smith asked for all in favor, the motion passed unanimously (6-0).

CHOWAN COUNTY EMERGENCY MANAGMENT ORDINANCE

Section 1. Short Title

This Ordinance shall be known and may be cited and referred to as the Emergency Management Ordinance.

Section 2. Purpose

(a) It is the intent and purpose of this Ordinance to set forth the authority and responsibility of the County of Chowan, its officials, officers, departments, and employees in the prevention of preparation and planning for, response to and recovery from natural or man-made emergencies including natural or man-made accidental, military, paramilitary, weather-related, or riot-related causes. It is further the intent and purpose of this Ordinance to establish an office that will insure the complete and efficient utilization of all of the County of Chowan's resources to prepare and plan for, respond to, recover from, and mitigate against emergencies.

(b) This Ordinance shall not relieve any Municipal or County Department of the legal responsibilities or authority given to it in the Municipal or County Charter or by local ordinances, nor it adversely affect the work of any volunteer agency organized for relief in emergencies.

(c) This Ordinance is adopted pursuant to N.C.G.S. 166A-19.31. To the extent not specifically enumerated herein, all authorities and powers conferred on the County pursuant to Chapter 166A of the North Carolina General Statutes and all similar provisions of state and federal law, are incorporated herein by reference.

Section 3. Definitions

The following definitions shall apply to this Ordinance:

- (a) "Chairman" – The chair of the Chowan County Board of Commissioners, the chairman's designee, or, in the case of the absence or disability of the chairman and the chairman's designee, the person authorized to act in the chairman's stead.
- (b) "Director" – The director of Chowan County Emergency Management, the individual with direct responsibility for the development, organization, administration, and operation of the County Emergency Management Agency as provided by this Ordinance.
- (c) "Emergency" - An occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made accidental, military, or paramilitary cause, weather-related, or riot-related cause.
- (d) "Emergency Area" - the geographical area covered by a state of emergency.
- (e) "Emergency Management" – those measures taken by the public and governmental units operating within Chowan County to minimize the adverse effect of any type of emergency, including, the never-ending preparedness cycle of planning, prevention, mitigation, warning, movement, shelter, emergency assistance, response, and recovery. This term shall not, however, include any activity, maneuvers, operations, or exercises that are the primary responsibility of the military forces of the United States.
- (f) "Emergency Management Agency" – The agency charged with coordination of all emergency management activities for Chowan County.

- (g) "Emergency Management Personnel" – All employees of Chowan County and municipal governments within Chowan County, their departments, boards, institutions, and councils, agents, representatives, contractors and subcontractors who are participating in emergency management activities. Where possible, duties assigned to Municipal or County departments shall be the same as or similar to the normal duties of the department.
- (h) "State of Emergency" – The condition that exists whenever, during times of public crisis, disaster, rioting, catastrophe, or similar public emergency, public safety authorities are unable to maintain public order or afford adequate protection for lives or property, and which constitutes a significant threat to public health, safety and welfare whether actual or imminent as authorized pursuant to G.S. 166A-19.3(19).
- (i) "Volunteers" – All volunteer personnel and agencies offering emergency management service to, and accepted by the County.

Section 4. Powers and Duties of County

(a) Pursuant to N.C.G.S. 166A-19.15, Chowan County is responsible for and shall coordinate all emergency management within the geographical limits of the County *except* any area within the corporate limits of any municipality, or within any area of the County over which a municipality has jurisdiction to enact general police-power ordinances. The County may coordinate within the above referenced municipal areas subject to the provisions of N.C.G.S. 166A-19.22.

(b) The County is authorized to take the following actions in furtherance of coordinating emergency management efforts:

- (1) Establish and maintain an emergency management agency.
- (2) Appoint a Director of the county emergency management agency who will have the direct responsibility for the organization, administration, and operation of the County's emergency management program, subject to the Manager and guidance of the Board of Commissioners.
- (3) Appropriate and expend funds, execute contracts, enter into mutual aid agreements with other units of federal, state, and local government and other non-profit organizations and agencies, obtain and distribute equipment, materials, and supplies for emergency management purposes, and provide for the health and safety of persons and property, including emergency assistance.
- (4) Develop, coordinate, and implement an emergency management plan consistent with policies and standards established by the State of North Carolina.
- (5) Assign and make available resources for emergency management purposes for service within or outside of the geographical limits of the County.
- (6) Delegate powers in a declared state of emergency to an appropriate official.

- (7) Coordinate with municipalities within Chowan County and other units of local, state, and federal government, and other non-profit, emergency management, and affected organizations in the development and implementation of an emergency management plan and responses to disasters.

Section 5. Declaration of State of Emergency

(a) Pursuant to N.C.G.S. 166A-19.22, a state of emergency shall be declared when it is determined that circumstances and conditions exist which create a real or imminent that of a public crisis, disaster, rioting, catastrophe, or similar public emergency within Chowan County in response to which public safety authorities are unable to maintain public order or afford adequate protection for lives and property and which pose significant threats to public health and safety.

(b) The Chowan County Board of Commissioners hereby delegates to the Chairman of the Board of Commissioners, or the Chairman's designee, who shall also be a member of the Board of Commissioners, the authority to determine and declare the existence of a state of emergency within Chowan County, to order the evacuation of some or all portions of the County, to authorize the reentry of persons into the County following evacuation, and to impose, during that state of emergency, prohibitions and restrictions deemed necessary to protect public health, safety and welfare and minimize damage to property:

- (1) On movements of people in public places, including imposing a curfew; directing and compelling the voluntary or mandatory evacuation of all or part of the population from any stricken or threatened area within the governing body's jurisdiction; prescribing routes, modes of transportation, and designations in connection with evacuation; and controlling ingress and egress of an emergency area, and the movement of persons within the area;
- (2) Of the operation of offices, business establishments, and other places to our from which people may travel or at which they may congregate;
- (3) Upon the possession, transportation, sale, purchases, and consumption of alcoholic beverages;
- (4) With the exception of lawfully possessed firearms (defined pursuant to N.C.G.S. 166A-19.31(B)(4) as a handguns, rifles, or shotguns), upon possession, storage, and use of dangerous weapons and substances, and combustible fuels;
- (5) Upon other activities or conditions the control of which may be reasonably necessary to maintain order and protect lives or property during the state of emergency.

(c) A state of emergency declared pursuant to this Ordinance, and all prohibitions and restrictions imposed as a result of the declaration, shall be established by written declaration duly executed by the Chairman or the Chairman's designee, and shall remain in effect until such time as the declaration is amended or rescinded in the same manner. The declaration shall include a

listing of all restrictions and prohibitions imposed and, where applicable, the date and time on which such restrictions and prohibitions become effective.

(d) At such time as a state of emergency is declared, the Chowan County Emergency Management Plan, all standard operating procedures adopted pursuant to the Plan, and all applicable mutual aid agreements and other similar agreements and compacts shall be activated.

(e) Any declaration of a state of emergency, and all restrictions and prohibitions imposed as a result of the declaration, shall apply in all unincorporated areas of Chowan County unless otherwise specified in the declaration.

Section 6. Organization and Appointments of Emergency Management Agency

(a) The Chowan County Emergency Management Department is hereby established, and shall serve as the coordinating agency for all activity in connection with emergency management within Chowan County subject to N.C.G.S. 166A-19.22. The Department shall be the agency through which the Chowan County Board of Commissioners exercises the authority and discharges the responsibilities vested in it during emergencies.

(b) The Chowan County Board of Commissioners shall appoint a coordinator of the Chowan County Emergency Management Department. The coordinator of emergency management shall be known as its Director. The Director shall be a person well-versed and trained in planning operations involving the activities of many different agencies which will operate to protect the public health, safety and welfare in the event of an emergency.

(c) The Director shall designate and appoint Deputy Directors to assume the duties of the Director during an emergency in the event of his absence or inability to fulfill these duties.

(d) The employees and resources of all Chowan County departments, boards, institutions, and councils shall participate in the emergency management activities. Duties assigned county departments shall be the same as or similar to the normal duties of the department, where possible.

Section 7. Duties and Responsibilities of Director

(a) The Director shall be responsible to the Chowan County Board of Commissioners with regard to all phases of emergency management activity. The Director shall be responsible for the planning, coordination and operation of all emergency management activities in Chowan County. The Director shall be the liaison with State and Federal authorities and the authorities of nearby political subdivisions to maximize effective operation of emergency management plans. The Director's duties shall include, but are not limited to, the following:

- (1) Coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of Chowan County for emergency management purposes.
- (2) Developing, coordinating and implementing a comprehensive Emergency Management Plan for the County, including plans for the immediate use of all facilities, equipment, manpower and other resources of the County for the purpose of minimizing or preventing damage to

persons and property, and protecting and restoring to operational status those governmental services and public utilities necessary for the public health, safety, and welfare.

- (3) Negotiating and concluding agreements with owners or persons in control of buildings or other property for the use of such building or other property for emergency management purposes, and identifying suitable buildings as public shelter.
- (4) Through public informational programs, educating the public as to actions necessary and required for the protection of their persons and property in case of an emergency.
- (5) Monitor and advise the County Manager of any and all threats, emergencies or disasters that pose a risk to the lives and safety of the residents of Chowan County, proposing solutions for their decision on how best to protect people and property from imminent danger, or from further damage.
- (6) Conducting proactive public alerts to ensure the efficient operation of emergency management personnel and procedures, and to familiarize residents and businesses with emergency management regulations, procedures and operations.
- (7) Coordinating the activities of all other public and private agencies engaged in emergency management operations, including planning, organizing, staffing, equipping, training, testing, and activation of emergency management plans and programs.
- (8) Developing and maintaining a system of damage assessment to determine the level of post emergency damage to public and private property.
- (9) Entering into mutual aid agreements with other units of federal, state, and local government, and other organizations as may be necessary, for the mutual sharing and coordination of resources needed to respond to and recover from a disaster.
- (10) Coordinating the development of Standard Operating Procedures to provide for the implementation of the Emergency Management Plan.
- (11) To coordinate the voluntary registration of functionally and medically fragile persons in need of assistance during an emergency through an established registry in accordance with N.C.G.S. 166A-19.15(f) (5).

Section 8. Emergency Management Plan

(a) The Emergency Management Director shall develop and maintain the comprehensive Emergency Management Plan which shall be adopted and maintained by resolution of the Chowan County Board of commissioners. The Emergency Management Plan shall identify all possible threats of an emergency to the County, and proscribe procedures to respond and mitigate the consequences of disasters. It is intended that the Emergency Management Plan be consistent with all applicable state and federal emergency management and incident response guidelines. It is further intended that the services, equipment, facilities, and personnel of all departments and agencies of County and municipal government

be utilized to the fullest extent in the Plan. When approved, it shall be the duty of the Emergency Management Director to coordinate and maintain the Plan, and of all departments and agencies to perform the functions assigned under the Plan, and to the best of their abilities maintain their areas of responsibility in a current state of readiness at all times. All provisions of the Plan shall have the effect of law whenever a state of emergency has been declared.

(b) The Director shall prescribe in the Plan those positions within the emergency management organization, in addition to his own, for which lines of succession are necessary. In each instance, the responsible person will designate and keep on file with the Director a current list of one (1) person as successor to his position. The successor shall be someone best capable of carrying out of all assigned duties and functions of the Director.

(c) Each service chief and department head assigned responsibility in the Plan shall be responsible for carrying out all duties and functions assigned therein. Duties will include the organization and training of assigned employees and, where needed, volunteers. Each chief shall formulate as Standard Operating Procedure to implement the specific plans for carrying out his assigned area of responsibility.

(d) Amendments to the Plan shall be submitted in writing to the Director for review and approval. The Director shall notify in writing all Emergency Management Personnel affected by the Amendment of the change to the Plan and the date the change becomes effective. The Plan is subject to review by the Chowan County Board of Commissioner's at any time but shall be reviewed once a year.

(e) When personnel requiring specialized competency or skill for a disaster an emergency function are not available within government, the Director is authorized to seek assistance from persons outside of government. The assignment of duties, when of a supervisory nature, shall also include the granting of authority for the person so assigned to carry out such duties prior to, during, and after the occurrence of an emergency. Such services from persons outside of government may be accepted by local government on a volunteer basis. Such citizens shall be enrolled as Emergency Management volunteers.

(f) The Plan shall provide for the establishment of the Chowan County Control Group, who shall work collectively to make timely decisions regarding implementation of the Plan in response to actual or imminent emergencies. The memberships of the Control Group shall include the Chairman of the Chowan County Board of Commissioners or the Chairman's designee, the County Manager, the Chowan County Sheriff, the Chowan County School Superintendent, the Mayors, or their designees, of all incorporated municipalities within Chowan County, the Chief of Police of the Police Departments within the incorporated municipalities within Chowan County. The Plan shall provide for specific functions, duties, and authorities of the Control Group. All proclamations issued by the Control Group, or by the Chairman of the Control Group, shall have the same force and effect of law as other provisions of this Ordinance.

Section 9. No Governmental or Private Liability

(a) This Ordinance is adopted by the County of Chowan as an exercise of its police powers for the protection of the public peace, health, and safety as authorized by state and federal law, and all functions hereunder and all other activities relating to emergency management are hereby declared to be governmental functions. Neither the County of Chowan, nor its agents, representatives, or any volunteer, emergency or trustee, or any of the agents thereof acting in good faith and without gross negligence or

willful misconduct while carrying out, complying with or attempting to comply with any order, rule or regulation promulgated pursuant to the provisions of this Ordinance or any applicable provision of state and federal law, shall be liable for any injury or damage sustained to persons or property as the result of said activity.

(b) Any person, firm, or corporation, together with any successors in interest, if any, owning or legally controlling real or personal property who voluntarily or involuntarily, knowingly or unknowingly, with or without compensation grants a license, privilege, or otherwise permits or allows the County of Chowan and its agents, representatives, contactors, and subcontractors the right to inspect, designate and use the whole or any part or parts of such real or personal property for the purpose, activities, or functions relating to emergency management as provided for in this Ordinance or within the North Carolina General Statutes shall not be civilly liable for the death of, or injury to, any persons, or the loss of or damage to the property of any persons where such death, injury, loss or damage resulted from, through or of any persons where such death, injury, loss or damage resulted from, through or because of the use of the said real or personal property for any of the above purposes provided that the use of said property is subject to the order or control or pursuant to a request of Chowan County, the State of North Carolina, or any political subdivision thereof.

Section 10. Violations; Penalties

Unless otherwise proved for by law, it shall be a Class 2 misdemeanor for any person to violate any of the provisions of this Ordinance, or any proclamations, provisions of any Emergency Management Plans, or provisions of an Standard Operating Procedures adopted or issued pursuant to the authority contained herein, or to willfully obstruct, hinder, or delay any member of the Emergency Management organization in the enforcement of the provisions of this Ordinance or any proclamations, provisions of any Emergency Management Plans, or provisions of any Standard Operating Procedures adopted or issued thereunder.

Section 11. Severability

Should any provision of the Ordinance, or the application thereof to any person or circumstances be declared invalid for any reason, such declarations shall not affect the validity of any other provisions of this Ordinance, it being the legislative intent that the provisions of this Ordinance shall be servable and remain valid notwithstanding such declaration.

Section 12. Conflicting Ordinances, Orders, Rules and Regulations Suspended.

At all times when the orders, rules, and regulations made and promulgated pursuant to this Ordinance shall be in effect, they shall supersede all existing ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith.

Section 13. Applicability Extensions

The Municipalities within Chowan County may ratify this Ordinance and adopt it as their own, including all forms and conditions specified herein. In addition, the County shall conduct functions described in this Ordinance outside of its territorial limits as may be required pursuant to the provision of North Carolina General Statutes, mutual aid agreements, and in accordance with State and County comprehensive emergency management planning.

Section 14. Effective Date

This Ordinance shall be effective on the date adopted by the Chowan County Board of Commissioners and shall supersede and replace the Chowan County State of Emergency Ordinance adopted on September 6, 1983.

2016 Local Emergency Planning Committee (LEPC)

Mr. Palmer asked that the Board review and accept the 2016 LEPC roster. He stated this group acknowledges receipt of and publications on local hazardous materials.

Chairman Smith asked about the breakdown on membership between Perquimans and Chowan Counties.

Mr. Palmer stated the membership is mostly based on required positions and based on the individual's expertise.

Commissioner Winborne asked if the members are attending meetings regularly.

Mr. Palmer stated yes.

Commissioner Winborne moved to reappoint the membership. Chairman Smith asked for all in favor, the motion passed unanimously (6-0).

NAME	BOARD	ACTION	TERM	EFFECTIVE DATE
Parnell, Brian	Chowan/Perquimans Multi-County LEPC	Reappointment	1 yr.	1/1/2016
Bonner, Greg	Chowan/Perquimans Multi-County LEPC	Reappointment	1 yr.	1/1/2016
Brittingham, Richard	Chowan/Perquimans Multi-County LEPC	Reappointment	1 yr.	1/1/2016
Cartwright, Michael	Chowan/Perquimans Multi-County LEPC	Reappointment	1 yr.	1/1/2016
Chaney, Susan	Chowan/Perquimans Multi-County LEPC	Reappointment	1 yr.	1/1/2016
Cole, Janice	Chowan/Perquimans Multi-County LEPC	Reappointment	1 yr.	1/1/2016
Copeland, Crystal	Chowan/Perquimans Multi-County LEPC	Reappointment	1 yr.	1/1/2016
Forlines, Craig	Chowan/Perquimans Multi-County LEPC	Reappointment	1 yr.	1/1/2016
Lafon, David	Chowan/Perquimans Multi-County LEPC	Reappointment	1 yr.	1/1/2016
Lawrence, Grady	Chowan/Perquimans Multi-County LEPC	Reappointment	1 yr.	1/1/2016
Nixon, Jonathan	Chowan/Perquimans Multi-County LEPC	Reappointment	1 yr.	1/1/2016
Palmer, Cordell	Chowan/Perquimans Multi-County LEPC	Reappointment	1 yr.	1/1/2016
Ponte, Tom	Chowan/Perquimans Multi-County LEPC	Reappointment	1 yr.	1/1/2016
Smith, Lewis	Chowan/Perquimans Multi-County LEPC	Reappointment	1 yr.	1/1/2016
Spruill, Mary	Chowan/Perquimans Multi-County LEPC	Reappointment	1 yr.	1/1/2016
Stoop, Ashley	Chowan/Perquimans Multi-County LEPC	Reappointment	1 yr.	1/1/2016
Value, Jason	Chowan/Perquimans Multi-County LEPC	Reappointment	1 yr.	1/1/2016
VanDuyn, T. Gwen	Chowan/Perquimans Multi-County LEPC	Reappointment	1 yr.	1/1/2016
Williams, Peter	Chowan/Perquimans Multi-County LEPC	Reappointment	1 yr.	1/1/2016
Winslow, Jarvis	Chowan/Perquimans Multi-County LEPC	Reappointment	1 yr.	1/1/2016

COA Capital Request

COA Chief Operations Officer Joe Turner provided the Board with a request from COA to utilize capital monies, in the amount of \$11,148.66 to cover the cost of security cameras instated at the Edenton-Chowan Campus.

Commissioner Nixon asked if the Board of Commissioners gave permission to COA to purchase the cameras.

Ms. Stallings read the minutes of March 2015. She noted the minutes reflect a discussion that COA would look into using their operational monies to purchase the cameras and she noted the other projects reflected in the minutes that were approved for capital monies.

Commissioner Mitchener discussed his concerns regarding the current lighting at the campus.

Commissioner Bonner stated he felt security at the campus was important and it was an appropriate request to utilize capital monies for security cameras. He moved to approve the request.

Commissioner Winborne stated he felt security was important but not a capital expense he stated he was not in favor of the motion.

Commissioner Nixon asked how the monies are being reimbursed if the expense was in last's fiscal year.

Mr. Turner stated the monies were spent last fiscal year out of the operational budget and were carried over.

Mr. Howard stated that COA is using the current operational monies to cover the expense from the previous year.

Mr. Turner stated that COA has carried the extra cost over into the current fiscal year. He stated the current monies are \$11,000 less because of the carry-over.

Commissioner Nixon stated that he still has concern because COA hired part-time maintenance for the campus and the monies for that position also come out of operational monies. He stated cameras were purchased He stated he fully supports the campus but must oversee the finances. He stated that much money is spent on the campus security.

Mr. Turner stated that capital monies are designated bricks and mortar. He stated this incident of purchasing the cameras, thinking they were given authority to try to take the monies out of operational expense is what put operational expenses over.

Commissioner Bonner stated he was of the opinion that the Board gave COA the permission to purchase the cameras.

Chairman Smith asked where the cameras are located, if they are portable.

Mr. Turner stated the cameras are attached to the walls inside and outside on poles outside of the building, they are fixed.

Chairman Smith asked if they can be moved easily.

Mr. Turner stated no they cannot.

Commissioner Mitchener asked if COA needed more cameras.

Mr. Turner stated that more cameras could be installed, however the existing cameras allow more security coverage of the campus. He stated the coverage is good, but is not 100%.

Commissioner Mitchener asked if COA will ask for more cameras.

Mr. Turner stated that would depend on the need or availability of surplus operational monies.

Chairman Smith noted a motion is on the floor to approve the use of operational monies to cover the cost of the security cameras.

Commissioner Kehayes asked what the consequence of refusal.

Mr. Turner stated that the COA operational budget would carry a deficit.

Chairman Smith asked for all in favor of the motion, the motion failed (3-3 Smith, Nixon and Winborne).

DSS Items

Appeals Policy

DSS Director Letecia Loadholt provided the Board with information the Chowan County Department of Social Services Appeals Policy as recommended by the State. She stated the current policy discusses appeals to the State Personnel Commission. She stated that the local Boards were given the option to appeal locally to the DSS Board. She stated the local Board has not indicated an interest in being a part of the appeal but rather be informed of appeals. She stated the new policy also references the appeal filing fee. She stated that not having the current procedure and fees included in the local policy could result in a finding against the County.

Commissioner Kehayes asked if there are any pending appeals.

Ms. Loadholt said no.

Commissioner Kehayes asked if Ms. Byrum in Human Resources approved the changes.

Ms. Byrum stated yes.

Commissioner Kehayes moved to approve the recommended policy.

Commissioner Winborne asked if legal counsel approved the policy.

Ms. Womble stated yes.

Chairman Smith asked for all in favor, the motion passed unanimously (6-0).

An addition to the policy was adopted after the annual report.

Annual Report

DSS Director Letecia Loadholt provided the Board with her annual activity report from DSS. A copy of the PowerPoint is in the meeting file labeled January 4, 2016.

Additional Amendment to Policy

Human Resources Director Carrie Byrum noted that an additional amendment to the policy is necessary she stated the current policy has language under continuing education that states the policy handbook has an exclusive policy, she stated she would recommend that that language be deleted in the policy.

Ms. Arizaga Womble asked was this in the current policy, if not the Board would need to make a motion to amend the agenda.

Ms. Byrum stated it is currently within the DSS policy.

Commissioner Kehayes moved to delete that language in the policy as recommended by Human Resources. Chairman Smith asked for all in favor, the motion passed unanimously (6-0).

Historic Jail

Commissioner Nixon stated that he and members of the TDA Board has visited historic jails. He stated the TDA is looking for a use for the historic jail. He stated the County is leasing the Jailers House and hoping that SAGA will renovate that building for offices. He stated there is a lot of activity behind the jailer's house and the TDA would like to turn the jail into a visitation site in the County. He stated it would not take too much money to get the jail in shape. He stated he feels there would be little expense in fixing the jail. He stated he would like to see if the Commissioners would appropriate monies towards the renovation. He stated this Board appropriated monies and the TDA matched the appropriation at Pembroke Creek. He stated he would like to ask the Commissioners for \$5,000 and he would also ask the TDA to match this amount. He stated he hoped it did not cost more than \$10,000 and he hoped to get the jail fixed with volunteer labor. He stated the primary concern is getting the building secured. He stated he would recommend the manager find the monies within the budget.

Mr. Howard stated that fund balance has been appropriated this year. He stated there have been some savings within the \$100,000 appropriated for capital projects. He stated he hoped to be able to find it within that budget.

Commissioner Nixon moved to appropriate \$5,000 towards capital improvements to the jail.

Commissioner Mitchener asked for clarification on the repairs.

Mr. Howard stated that getting the doors closed is a priority.

Commissioner Winborne asked what will happen if the TDA does not match the funds.

Commissioner Nixon stated he would recommend not going forward if there is no match.

Chairman Smith asked for all in favor, the motion passed unanimously (6-0).

Manager's Report

County Manager Kevin Howard stated he is working to schedule an informational meeting regarding water softening.

Board members discussed if this will be a special meeting of the Board of Commissioners or an informational meeting.

Board members indicated they would like for the Manager and Staff to have an informational meeting for the public.

Commissioner Nixon moved to allow the manager to set a date for a public informational meeting and allow the press to advertise it as scheduled. Chairman Smith asked for all in favor, the motion passed unanimously (6-0).

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 stated the DF Walker Study Committee met in December and will meet again in January or February after the buildings and grounds committee of COA meet.

Timely and Important Matters

Hotel Hinton

Commissioner Mitchener asked for an update on the Hotel Hinton.

Mr. Howard stated the last update was that SAGA was working on finances.

ECP Projects

Commissioner Winborne asked if there is an update on the tugboat project.

Chairman Smith stated he would check with the ECP to see what information can be disclosed.

Ag Museum

Commissioner Bonner stated he would like the Board members to review the information given by Mr. Cummings and consider the Ag Museum request.

Closed Session

Being no further business Commissioner Bonner moved that the Board go into closed session, in accordance with NCGS 143-318 (11) (a) (5 and 6) personnel. Chairman Smith asked for all in favor, the motion passed unanimously (6-0).

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 (6-0).

Amend Agenda

Commissioner Nixon moved to amend the agenda to consider the EMS contract amendment. Chairman Smith asked for all in favor, the motion passed unanimously (6-0)

EMS Contract

Commissioner Mitchener moved to approve an amendment to the EMS billing contract to include software changes as recommended by the vendor and contingent on the review and approval of the staff attorney. Chairman Smith asked for all in favor, the motion passed unanimously (6-0).

Adjourn

Being no further business, Commissioner Nixon moved that the meeting be adjourned. Chairman Smith asked for all in favor, the motion passed unanimously (6-0).

Jeffery Smith
Chairman

L. Susanne Stallings, Clerk