

Regular Meeting  
Monday, June 20, 2016  
**Chowan County Public Safety Center**  
**305 West Freemason St.**  
**Edenton, NC**  
**6:00pm**

*This meeting was recorded. The audio recording is in the meeting file labeled June 20, 2016.*

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

Commissioner Ellis Lawrence was absent.

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

**Regular Meeting**

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

**Approval of Agenda**

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

**Public Comment**

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

Jack Gibson 224 Mulberry Hill Edenton, NC stated he previously submitted comments to the Board in November 2015 regarding Energy Venture Analysis regarding their services for review of the wind energy facility application. He stated that the County needs to hire an independent expert to review the application. He stated he will personally check any expert to make sure they do not have ties to Apex or Weyerhaeuser. He stated he would go after anyone that he can find that does not do their due diligence in hiring a consultant. Mr. Gibson provided the Board with information on Energy Venture Analysis, a copy of the information is in the meeting file labeled June 20, 2016.

Jacki Arrowood 216 Mulberry Hill Lane Edenton, stated she is a retired Navy captain and is familiar in providing services. She stated she is familiar with contracting and impact studies. She stated the Board should rely on her experience and the County should look for a company with a disinterested view. She stated that the Board should do due diligence and urged the Board to get an outside mutual review.

Bob Kirby 236 Whites Landing Rd. Edenton NC provided the Board with written comments, a copy of his comments is in the meeting file labeled June 20, 2016. Mr. Kirby's remarks were regarding NCGS 143-64.31 concerning procurement of architectural, engineering and surveying services. He stated that the County has not announced the opportunity to review the Apex CUP application on the website or notify minority firms. He urged the Board to table the discussions until a qualified candidate can be hired.

Ms. Stallings called on J. A. Wright, he declined the opportunity to speak.

Being no further public comment, Chairman Smith closed the floor.

**Consent Agenda**

Chairman Smith presented the consent agenda.

**a. Budget Amendments**

**a. Budget Amendment**

**1516-020**

Account Code	Description	Old	+ or (-)	New	
<b>Central Communications</b>					
11-4270-121-00	Salaries and Wages Regular	283,937.94	(10,500.00)	273,437.94	
11-4270-122-00	Salaries and Wages Overtime	31,372.49	32,000.00	63,372.49	
11-4270-126-00	Salaries and Wages Part Time	13,500.00	(1,000.00)	12,500.00	
11-4270-181-00	Fica Tax	26,930.57	(1,000.00)	25,930.57	
11-4270-182-00	Retirement	23,756.51	(800.00)	22,956.51	
11-4270-183-00	Hospitalization	61,756.51	(2,400.00)	59,356.51	
11-4270-199-00	Professional Services	1,000.00	(500.00)	500.00	
11-4270-261-00	Office supplies	1,500.00	11.00	1,511.00	
11-4270-311-00	Travel	4,000.00	(1,500.00)	2,500.00	
11-4270-321-00	Telephone	1,475.00	(500.00)	975.00	
11-4270-352-00	Maintenance & Repair Equipment	7,500.00	(500.00)	7,000.00	
11-4270-395-00	Employee Training	4,000.00	(2,000.00)	2,000.00	
11-4270-440-00	Contract Serices Maintenance	13,791.00	(500.00)	13,291.00	
<b>Jail</b>					
11-4320-122-00	Salaries & Wages Overtime	25,000.00	(3,500.00)	21,500.00	
11-4320-126-00	Salaries & Wages Part Time	25,000.00	(3,000.00)	22,000.00	
11-4320-183-00	Retirement	25,086.99	(4,311.00)	20,775.99	
		<b>Balanced:</b>	<b>549,607.01</b>	<b>-</b>	<b>549,607.01</b>
<b>Justification:</b>					
<i>Making Year-End Adjustments to Salary &amp; Benefits</i>					

**1516-021**

Account Code	Description	Old	+ or (-)	New	
<b>Sheriff's Office</b>					
11-4310-121-00	Salaries and Wages Regular	615,895.47	(8,000.00)	607,895.47	
11-4310-122-00	Salaries and Wages Overtime/Holiday	65,000.00	(7,585.00)	57,415.00	
11-4310-181-00	Fica Tax	53,277.96	2,000.00	55,277.96	
11-4310-213-00	Uniforms	8,000.00	800.00	8,800.00	
11-4310-251-00	Automotive Supplies	68,000.00	(20,000.00)	48,000.00	
11-4310-261-00	Office Supplies	1,000.00	75.00	1,075.00	
11-4310-321-00	Telephone	18,975.00	600.00	19,575.00	
11-4310-352-00	Maintenance & Repair Equipment	6,688.00	1,600.00	8,288.00	
11-4310-353-00	Maintenance & Repair Vehicles	30,000.00	3,000.00	33,000.00	
11-4310-491-00	Dues and Subscriptions	2,000.00	10.00	2,010.00	
11-4310-550-00	Capital Outlay Vehicles	31,015.00	27,500.00	58,515.00	
<b>SRO</b>					
11-4312-121-00	Salaries & Wages Regular	114,718.20	1,500.00	116,218.20	
11-4312-122-00	Salaries & Wages overtime/Holiday	17,150.00	(1,500.00)	15,650.00	
		<b>Balanced:</b>	<b>1,031,719.63</b>	<b>-</b>	<b>1,031,719.63</b>
<b>Justification:</b>					
<i>Making Year-End Adjustments to Salary &amp; Benefits and purchase patrol car from current Fiscal Year</i>					

**1516-022**

Account Code	Description	Old	+ or (-)	New
<b>Administration &amp; Finance:</b>				
11-4120-121-00	Salaries and Wages Regular	304,944.00	(19,775.00)	285,169.00
11-4120-261-00	Office Supplies	1,500.00	300.00	1,800.00
11-4120-325-00	Postage	1,025.00	1,975.00	3,000.00
11-4120-352-00	Maint & Repair Equipment	2,000.00	2,500.00	4,500.00
<b>Tax Listing and Collections:</b>				
11-4140-121-00	Salaries & Wages - Regular	168,344.66	(16,420.00)	151,924.66
11-4140-126-00	Salaries & Wages Part Time	8,580.00	16,420.00	25,000.00
<b>Legal</b>				
11-4150-192-00	Prof Services-Legal Contract	35,000.00	25,000.00	60,000.00
<b>Elections</b>				
11-4170-121-00	Salaries & Wages Regular	36,802.00	1,197.92	37,999.92
11-4170-122-00	Salaries & Wages Part Time	8,328.00	3,172.00	11,500.00
11-4170-126-00	Salaries & Wages -PT PRCT			
11-4170-510-00	C/O Equip	3,290.00	(3,290.00)	-
<b>Register of Deeds</b>				
11-4180-121-00	Salaries & Wages - Regular	91,186.08	7,579.44	98,765.52
11-4180-181-00	FICA Tax	6,975.74	524.26	7,500.00
11-4180-182-00	Retirement	6,474.21	325.79	6,800.00
<b>Land Records</b>				
11-4190-121-00	Salaries & Wages Regular	38,592.00	5,276.94	43,868.94
11-4190-181-00	FICA Tax	2,952.29	354.62	3,306.91
11-4190-182-00	Retirement	2,740.03	236.27	2,976.30
<b>Information Technology</b>				
11-4270-121-00	Salaries & Wages - Regular	61,804.22	3,467.62	65,271.84
11-4210-181-00	Retirement	4,237.83	37.39	4,275.22
<b>Central Maintenance</b>				
11-4240-121-00	Salaries & Wages - Regular	156,093.18	1,259.06	157,352.24
11-4240-126-00	Salaries & Wages Part Time	17,251.00	900.00	18,151.00
<b>Inspections</b>				
11-4350-121-00	Salaries & Wages - Regular	140,888.16	3,592.26	144,480.42
<b>Animal Control</b>				
11-4380-121-00	Salaries & Wages - Regular	25,245.12	821.88	26,067.00
<b>Animal Shelter</b>				
11-4381-121-00	Salaries & Wages - Regular	63,105.96	143.39	63,249.35
11-4381-182-00	Retirement	4,480.52	626.08	5,106.60
<b>Soil Conservation:</b>				
11-4730-121-00	Salaries & Wages - Regular	62,074.20	3,182.04	65,256.24
11-4730-181-00	FICA Tax	4,746.21	172.34	4,918.55
11-4730-182-00	Retirement	4,405.35	17.31	4,422.66
<b>Central Services</b>				
00-1182-009-91	Salary Reserve	53,038.00	(39,596.61)	13,441.39
<b>Water:</b>				
61-7120-121-00	Salaries & Wages - Regular	239,646.48	8,662.34	248,308.82
61-7120-991-00	Salary Reserve	10,969.00	(8,662.34)	2,306.66
		<b>Balanced:</b>	<b>1,566,719.24</b>	<b>-</b>
				<b>1,566,719.24</b>

**1516-023**

Account Code	Description	Old	+ or (-)	New
<b>General Fund</b>				
11-3980-980-61	Transfer from Solid Waste Fund	-	4,400.00	4,400.00
11-6130-351-00	Water Access	2,141.19	4,400.00	6,541.19
<b>Balanced:</b>				
<b>Justification:</b>				
<i>Move mowing funds from Solid Waste Fund to cover costs for Recreation mowing Convenience Sites.</i>				

Commissioner Bonner moved to approve BA1516-020 through BA1516-023. Chairman Smith asked for all in favor, the motion passed unanimously (6-0).

**1516-024**

Account Code	Description	Old	+ or (-)	New
<b>Central Communications</b>				
11-4320-181-00	FICA Tax	27,508.51	(1,500.00)	26,008.51
11-4320-182-00	Retirement	25,086.99	(3,000.00)	22,086.99
11-4320-185-00	Unemployment	2,675.00	(2,675.00)	-
11-4320-213-00	Uniforms	2,000.00	(1,600.00)	400.00
11-4320-221-00	Food & Provisions	80,000.00	(13,000.00)	67,000.00
11-4320-238-00	Medical Supplies	1,500.00	(1,500.00)	-
11-4320-261-00	Office Supplies	1,000.00	(700.00)	300.00
11-4320-299-00	Dept Supplies	8,000.00	(1,200.00)	6,800.00
11-4320-311-00	Travel	1,500.00	(1,000.00)	500.00
11-4320-321-00	Telephone	1,975.00	(300.00)	1,675.00
11-4320-325-00	Postage	525.00	(300.00)	225.00
11-4320-352-00	Maintenance & Repair	5,000.00	(400.00)	4,600.00
11-4320-395-00	Employee Training	1,500.00	(1,000.00)	500.00
114-3201-491-00	Dues & Subscriptions	500.00	(300.00)	200.00
11-4320-697-00	Contract Services Juvenile Detention	20,000.00	(7,500.00)	12,500.00
<b>Emergency Management</b>				
11-4330-550-00	Capital Outlay Vehicle	-	35,975.00	35,975.00
<b>Balanced:</b>		<b>178,770.50</b>	<b>-</b>	<b>178,770.50</b>
<b>Justification:</b>				
<i>Replace vehicle in Emergency Management</i>				

Chief Deputy Andy Bunch stated that the Board requested to take out a vehicle for Emergency Management in the proposed FY 2016-17 budget. He stated that he has located monies in the

current year to purchase the vehicle. He stated that monies are from jail medical savings, some gas and food.

The Board discussed how many cars will be purchase next fiscal year for the Sheriff's budget.

Commissioner Nixon expressed his concern with purchasing the vehicle this fiscal year which he stated would result in using more fund balance in the current fiscal year.

Commissioner Bonner moved to approve BA 1516-024. Chairman Smith asked for all in favor, the motion passed (5-1 Nixon).

**b. Minutes**

Attached are the minutes of the May 24, 2016 Special and Emergency Meetings

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

**c. Surplus Property**

Ms. Stallings provided a list of computer equipment that has been removed from service. She noted the equipment has aged and depreciated out of fixed asset status. Staff is requesting authorized disposal of the assets through electronic disposal and added that all hard drives have been removed for security.

Commissioner Bonner moved to authorize the clerk to dispose of the equipment as requested. Chairman Smith asked for all in favor, the motion passed unanimously (6-0).

**Fireworks Display Permission**

Edenton Fire Chief Craig Forlines noted that annually by statute, a request for permission is submitted for Atlanta Pyrotechnics International, Inc. to provide the fireworks display sponsored by the Chowan-Edenton Optimist Club on July 4, 2016. [NCGS § 14-410 & §14-413]. Attached is the certificate of liability insurance and fireworks display permit.

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

**Planning Items**

**Public Hearing Conditional Use Rezoning and Conditional Use Permit – CURZ and CUP 16-01 Joey Nixon – Top Notch Service Center, Inc.**

Chairman Smith stated that the Board of Commissioners will conduct a public hearing to consider a Conditional Use Rezoning Application from Top Notch Service Center requesting to rezone property located at 2728 and 2726 Virginia Road from A-1 Agricultural to CU-12 Industrial and also consider a Conditional use Permit to operate a salvage yard at the site. He called Ms. Bryant to the podium.

Chairman Smith asked if Mr. Nixon's petition was brought before the Planning Board prior to the Commissioner's meeting.

Ms. Bryant stated yes on May 17<sup>th</sup>.

Chairman Smith asked if proper notice was given for the public hearing.

Ms. Bryant stated yes both for both meetings. She stated notice was placed in the Chowan Herald on May 4<sup>th</sup> and May 11<sup>th</sup> for the Planning Board meeting and May 25<sup>th</sup> and June 1<sup>st</sup> for the Commissioners meeting. She noted that signs were posted on May 5<sup>th</sup> and letters were mailed to adjoining property owners.

Ms. Bryant then read the full staff report into the record.

#### STAFF REPORT

To: Chowan County Board of Commissioners  
Date: June 6, 2016  
Case: CC-CURZ-16-01; CC-CUP-16-01  
Prepared By: Elizabeth Bryant, County Planner

#### GENERAL INFORMATION

Applicant: Joey Leon Nixon  
Top Notch Service Center, Inc. 2728 Virginia Road  
Edenton, NC 27932

Property Owner: Joey Leon Nixon  
304 Cisco Road  
Tyner, NC 27980  
(252)221-8026

Subject Property: 2726 & 2728 Virginia Road

Adjoining Property Owners: (SEE ATTACHED LIST)

Requested Action: ~ Conditional Use Rezoning from A-1, Agricultural District to CU-I-2, Conditional Use Industrial District, And Conditional Use Permit for a Vehicle Salvage Yard.

Tax PIN #: 6990-00-18-2879; 6990-00-18-2783

Location: Virginia Road/NC Hwy 32N Size: 2.15 acres; 1.22 acres Existing Zoning:  
A-1, Agricultural Existing Land Use: Commercial

#### Surrounding Land Use & Zoning:

North- Commercial, Residential & Agricultural, A-1, Agricultural (old store, existing Goody's, some single-family residences)

South- Agricultural; A-1, Agricultural (farmland)

East- Agricultural & Residential; A-1, Agricultural (farmland, some single-family residences)

West- Agricultural & Residential; A-1, Agricultural (farmland, some single-family residences)

Land Use Plan:

Major Goals & Objectives: LAND USE COMPATIBILITY, WATER QUALITY, AREAS of LOCAL CONCERN

- B4 -- Ensure that land use and development activities provide a balance between economic development needs and protection of natural resources and fragile environments.
- B9 -- Industrial development in the Chowan County jurisdiction shall use public water or sewer if available, or acceptable package treatment systems.
- B11 -- Industrial development and/or industrial zoning will not infringe on established residential development. When reviewing proposals for new industrial development or industrial zoning, the...County will ensure that the proposals are compatible with surrounding land uses and that identified adverse impacts are mitigated.
- B13 -- Coordinate all development activity with appropriate Regional Health Department and state regulatory personnel.
- B30 -- The...County shall maintain appearance and operational standards for nonresidential developments located within designated highway corridors to ensure no undue interference with through vehicular traffic in gaining access to proposed developments to the highway, to require architectural design compatibility within the proposed developments and to provide landscaping and screening to buffer adjoining residentially used or zoned properties.
- B31 -- The...County shall maintain development standards (such as limitations on hours of operation, distance/separation requirements, buffering/screening requirements, etc.) for special and/or conditional uses in order to assist with mitigating potential negative impacts.
- E5 – Chowan County shall maintain requirements that, to the extent practicable, all development shall conform to the natural contours of the land and natural and pre-existing man-made drainage ways shall remain undisturbed. All developments shall be provided with a drainage system that is adequate to prevent the undue retention of surface water on the development site....Whenever practicable, the drainage system of a development shall coordinate with and connect to the drainage systems or drainage ways on surrounding properties or roads. All developments shall be constructed and maintained so that adjacent properties are not unreasonable burdened with surface waters as a result of such developments.
- G7 – Continue to work toward a diversified economy including industry, tourism, and improved technical educational opportunities.

Land Classification: RESIDENTIAL AGRICULTURAL

- Residential Agricultural land is estimated to encompass approximately 142 square miles (91, 344 acres) or about 91.6 percent of the total County land area.
- The Residential Agricultural classification is intended to delineate lands where the predominate land use is scattered, low density (less than one dwelling unit per acre) residences dispersed among farmland and open spaces.
- The Residential Agricultural Classification is compatible with the A-1 (Agriculture) District of the Chowan Zoning Ordinance...The district is specifically established for the following purposes:

1. To encourage the continued use of land for agricultural, forestry, and open space purposes;
2. To encourage small-scale commercial uses that primarily provide goods and services to residents of the surrounding rural areas;
3. To encourage only those industries which are agricultural-related; and
4. To discourage any use which, because of its character, would create premature or extraordinary public infrastructure and service demands.

#### Land Classification: INDUSTRIAL

- The industrial classification encompasses approximately 1 square miles (661 acres) or about 0.7 percent of the total County land area. The properties classified as industrial are concentrated along the east of the Town of Edenton near the airport.
- The Industrial classification is intended to delineate lands that can accommodate industrial and manufacturing establishments. Some heavy commercial uses as well as services and businesses which support industrial land uses are also appropriate land uses within the Industrial classification....Without the availability of sewer in Chowan County there will be little industrial development.
- Land uses with the Industrial Classification are generally compatible with the I-1, Light Industrial and I-2, Heavy Industrial classification. Generally, the intensity of industrial development is expected to average one industrial establishment per twenty acres.
- The County's goals and policies support the use of land in Industrial classified areas for a wide variety of manufacturing and heavy commercial services uses where adequate public utilities and roads are available or can be upgraded to support the intensity of development encouraged in this classification.
- Industrial-classified areas may include certain land uses which, due to their nature and characteristics, have potential adverse impacts on surrounding land use types. Consequently, the County's policy is to ensure the compatible location of industrial land uses and to require the necessary measures to mitigate any adverse impacts.

Zoning History: See the attached minutes of the February 6, 2012 and March 5, 2012 Chowan County Board of Commissioners meetings.

Applicable Regulations: Chowan County Development Codes: Zoning Ordinance; Article III, Permits & Hearing Procedures, Section 3.11 Recommendations on Special Use and Conditional Use Permits; Article VIII, Development Standards for Individual Uses, Section 8.77, Salvage Yards, Auto Parts; Salvage Yards, Scrap Processing; and Article XIV, Amendments, Section 14.07, Conditional Zoning.

#### ANALYSIS

The applicant seeks a Conditional Use Rezoning of the subject property from A-1, Agricultural District to CU-I-2, Conditional Use Heavy Industrial District for a Vehicle Salvage Yard located at 2726 & 2728 Virginia Road. The applicant has provided all required materials and has attempted to address this request in the attached applications.

The Planning Board is charged to review the Conditional Use Rezoning and concurrent Conditional Use Permit request, and to forward its recommendations to the Board of Commissioners.

In granting a conditional use permit, the Board of Commissioners may attach reasonable requirements to the permit, in addition to this specified below, that will ensure the development in its proposed location:

- 1) Will not materially endanger the public health or safety;
- 2) Will not substantially injure the value of adjoining or abutting property;
- 3) Will be in harmony with the area in which it is located; and
- 4) Will be in conformity with the Land Use Plan or other plan officially adopted by the Board of Commissioners.

\*\*The Board of Commissioners should note that all zoning decisions must include a statement of consistency with the Land Use Plan (per NC General Statutes effective January 1, 2006). \*\*

#### STAFF FINDINGS

The Land Use Plan identifies the existing land use classification of this property as Commercial, and the future land use classification as Residential Agricultural. The property at 2728 Virginia Road has an existing vehicle repair and salvage business located on it. The application includes a requested expansion of this business onto property to the south at 2726 Virginia Road. A Vehicle Salvage Yard is a use that is inconsistent with the A-1 (Agriculture) Zoning District and the Residential Agricultural future land use application.

Such a use is appropriate in an I-2 (Heavy Industrial) Zoning District and Industrial future land use classification.

All applicable regulations of the Chowan County Development Codes and staff concerns that are applicable to this project have been identified. The planning staff recommends the following conditions for consideration:

1. The operation of the salvage yard shall not be any closer than 300 feet to any residentially used property line.
2. The current combination of fencing and vegetative screening that exists on the property at 2728 Virginia Road shall be continued in the expanded area at 2726 Virginia Road. Landscape screening shall be evaluated periodically by Planning Staff for compliance. Weeds and grass on the premises, other than trees & shrubs used for screening, shall be kept at a height of not more than 6 inches.
3. Equipment producing noise or sound in excess of 70 decibels shall be located no closer than 400 feet to the nearest residence. No noisy processing shall be carried on in connection with the business on Sundays, Christmas Day, Thanksgiving Day, or at any time between the hours of 6:00p.m. and 7:00a.m.
4. No vibration shall be produced which is transmitted through the ground and which is discernable without the aid of instruments at or beyond the lot line; nor will any vibration produce a particle velocity of 2.0 inches per second measured at or beyond the property line.
5. Emissions of dust and particulates shall be in accordance with the State of North Carolina rules and regulations governing air contamination and air pollution. Particulate matter emission from materials and products subject to becoming windborne will be kept to a minimum by

paving, sodding, oiling, wetting, covering or other means such as to render the surface wind resistant. Points of ingress and egress shall be paved/hard-surfaced with either concrete or asphalt.

6. Emissions of smoke and burning of non-vegetative matter shall not be permitted on the site of a salvage yard.
7. Disposal of trash and garbage shall be in an approved container and be regularly maintained. Open dumping of trash or garbage shall be prohibited.
8. Disposal of toxic/hazardous matter on any salvage yard site shall be expressly forbidden.
9. Storage of fuels shall be contained in below ground tanks meeting the requirements of the State of North Carolina. No such fuel storage shall be within 1000 feet of any residential, educational, or institutional structure. Location of fuel storage tanks shall be so designed as to prevent leakage or spillage into any stream. Gasoline and oil shall be removed from scrap engines or vehicles on the premises and adequately stored for disposal.
10. Salvage materials shall be stored in piles not exceeding 10 feet in height and shall be arranged as to permit easy access to all such salvage for firefighting purposes.
11. Salvage yard sites shall be adequately drained to assure that no standing water shall exist that might provide breeding habitation for insects. Storm water / drainage shall meet the requirements of the Soil & Water Conservation Office.
12. All proper NCDOT permits required for any additional accesses to Virginia Road shall be issued.
13. All details/improvements shall be installed/constructed according to Chowan County Development Code requirements.
14. The facility shall obtain all other applicable state and federal permits.

County Attorney John Morrison asked if the applicant met the requirements of the Chowan County Zoning Ordinance.

Ms. Bryant stated yes.

Mr. Morrison asked if the application was complete.

Ms. Bryant stated it was.

Mr. Morrison asked if the application as presented with the suggested conditions was such as it would not diminish adjacent land values.

Ms. Bryant stated that with the suggested conditions she felt it would not.

Mr. Morrison asked if the use was harmony with the area.

Ms. Bryant stated the surrounding area is primarily commercial.

Mr. Morrison asked will it violate the health safety and welfare of the community.

Ms. Bryant stated that with the suggested conditions she felt it would not.

Commissioner Nixon moved to go into a public hearing. Chairman Smith asked for all in favor, the motion passed unanimously (6-0).

Chairman Smith asked for those who signed up for public comment.

Joey Nixon, the applicant and resident of 2728 Virginia Road Edenton stated he was available to answer any questions.

Phyllis Patterson 108 Center Hill Rd stated her property is behind Top Notch. She stated she has no problem with the expansion of the garage. She stated that when she walks out of her home it is the first thing she sees. She stated that she is requesting a fence between her property and the back of the lot. She stated she did not want vegetation planted because it may die. She stated she would like a fence so she did not have to see the property.

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

Commissioner Winborne asked Ms. Patterson where she would like the fence to be.

Ms. Patterson clarified that she would like it beside her property line.

Mr. Nixon asked where the fence is requested.

Ms. Patterson stated that she is talking about what is behind the brick building.

Mr. Nixon stated the goal of the expansion is to move the cars away from her property.

Ms. Patterson stated a fence in her front/side yard would make her happy.

Commissioner Winborne stated his concern with a fence interfering with Nightingale landing.

Commissioner Winborne asked if the fence is negotiable.

Mr. Nixon stated he is open to a solution.

Commissioner Winborne asked what type of fence Ms. Patterson is requesting.

Ms. Patterson stated she would like something that is not see-through. She stated that Mr. Nixon told her the wind may mess up a chain-link fence with the slats.

Commissioner Kehayes stated that Ms. Patterson's home is beautiful home and he can understand why she would like peace and tranquility surrounding her. He stated the expansion is south of her property. He asked if the area she is speaking about is part of the CUP application.

Ms. Bryant noted the conditional use rezoning is for the existing property and the expansion of the new lot. She noted that Mr. Nixon's business has been in existence. She stated the Board has

the right to add or amend conditions or recommend an agreement be reached between Mr. Nixon and Ms. Patterson.

Mr. Morrison noted that an agreement is not enforceable. He stated that if the parties are unable to reach an arrangement the Board may want to put a provision that either party can get back to the BOC agenda to announce they have not reached an agreement. He stated it is preferable that the parties agree on something on their own. He stated he did not feel it was fair to force the parties to agree.

The Board discussed the area in question.

Mr. Nixon stated he is willing to do things right.

Commissioner Winborne asked how many persons are employed.

Mr. Nixon stated he feels a good compromise is if that section

The Board put an aerial photo of the property on the PowerPoint.

Commissioner Mitchener asked about the vegetation at the property.

Ms. Patterson stated the clay land makes it difficult to grow vegetation.

Mr. Morrison stated he would suggest the condition have language that the applicant be required to build a privacy fence along the 200' area sufficient to block the view of the salvage yard from Ms. Patterson's yard and that either party may come back to the Board for further guidance in the event such fence is not satisfactory in Ms. Patterson's opinion.

Ms. Nixon stated he does not have an issue with the fence but the discussion is about something totally different than where they started. He stated that Ms. Patterson knows he will build a fence. He stated if he knew there was a problem he would have already built another fence.

Commissioner Mitchener asked for clarification about the height of the fence.

Mr. Morrison asked about a 90 day good faith effort to construct a visual buffer. He discussed language regarding the satisfaction of the buffer. He stated the language would allow Mr. Nixon to go forward immediately and would satisfy Ms. Patterson.

Commissioner Winborne stated he has concerns regarding the language of a "visual barrier".

Chairman Smith stated he felt the property owners should work their concerns out.

Commissioner Nixon stated his concern with the proposed language. He stated that he feels the Board owes the property owner to protect their property at a height of 6 feet. He stated he felt the Board could allow 6 months to one year to complete the fence.

Ms. Bryant stated the condition could state the applicant provide a fence that meets the requirements of the zoning ordinance along the adjoining property line. She stated this is the condition she would recommend.

Commissioner Nixon asked if staff could approve the fence.

Ms. Bryant stated yes.

Chairman Smith stated that he would now entertain a motion that based on the application, planning board recommendation, Staff's report and presentation by the applicant, Joey Nixon's application for conditional use rezoning for his property at 2726 and 2728 Virginia Road from A-1 Agricultural Zoning to Conditional District I-2 Industrial be approved thereby allowing the subject property to be used as a vehicle salvage business subject to the conditions within our ordinance for said use and additional conditions recommended by staff and the planning board and Commissioners as set out in Staff's report and that this approval for Conditional Use Rezoning and Specific Use is not contrary to the health, safety or welfare of the community."

Commissioner Winborne moved to approve the statement read by Chairman Smith along with the additional condition.

Commissioner Nixon asked if the motion includes the condition regarding the additional fencing condition.

Mr. Morrison noted the motion includes the additional condition.

Commissioner Winborne agreed.

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

## **CONDITIONAL ZONING REQUEST GRANTED**

On the date(s) listed below, the Chowan County Board of Commissioners met and held a public hearing to consider the following application:

**Applicant:** Joey Leon Nixon  
Top Notch Service Center, Inc.  
2728 Virginia Road  
Edenton, NC 27932

**Property Owner:** Joey Leon Nixon  
304 Cisco Road  
Tyner, NC 27980  
(252)221-8026

**Subject Property:** 2726 & 2728 Virginia Road

**Proposed Use:** Conditional Zoning Request for Vehicle Salvage Yard

**Zoning:** From A-1, Agricultural to CD- I-2

**Meeting Dates:** Planning Board — May 17, 2016

Town Council — June 20, 2016

Having heard all the evidence and argument presented at the hearing, the Board of Commissioners finds that the application is complete, that the application complies with all the applicable requirements of the Chowan County Development Codes for the development proposed, and that therefore the application to make use of the above described property for the purpose indicated is hereby approved, subject to all applicable provisions of the Chowan County Development Codes and the following criteria:

- (1) The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board of Commissioners, a copy of which is filed in the Planning & Inspections Office.
- (2) If any of the conditions affixed hereto or any part thereof are to be held invalid or void, then this permit shall be void and of no effect.
- (3) Nothing authorized by this permit may be done until the property owner properly executes and returns to the County the attached acknowledgement of the issuance of this permit so that the County may have it recorded in the Chowan County Registry.
- (4) The Conditional Zoning Permit and any attached conditions stay with the property and transfer to any heirs, assignees, and successors and are legally binding.

The following conditions apply to and are attached with this Conditional Zoning Permit, as approved by the Chowan County Board of Commissioners on June 20, 2016:

1. The operation of the salvage yard shall not be any closer than 300 feet to any residentially used property line.
2. The current combination of fencing and vegetative screening that exists on the property at 2728 Virginia Road shall be continued in the expanded area at 2726 Virginia Road. Landscape screening shall be evaluated periodically by Planning Staff for compliance. Weeds and grass on the premises, other than trees & shrubs used for screening, shall be kept at a height of not more than 6 inches.
3. Equipment producing noise or sound in excess of 70 decibels shall be located no closer than 400 feet to the nearest residence. No noisy processing shall be carried on in connection with the business on Sundays, Christmas Day, Thanksgiving Day, or at any time between the hours of 6:00p.m. and 7:00a.m.
4. No vibration shall be produced which is transmitted through the ground and which is discernable without the aid of instruments at or beyond the lot line; nor will any vibration produce a particle velocity of 2.0 inches per second measured at or beyond the property line.
5. Emissions of dust and particulates shall be in accordance with the State of North Carolina rules and regulations governing air contamination and air pollution. Particulate matter emission from materials and products subject to becoming windborne will be kept to a minimum by paving, sodding, oiling, wetting, covering or other means such as to render the surface wind resistant.
6. Emissions of smoke and burning of non-vegetative matter shall not be permitted on the site of a salvage yard.
7. Disposal of trash and garbage shall be in an approved container and be regularly maintained. Open dumping of trash or garbage shall be prohibited.
8. Disposal of toxic/hazardous matter on any salvage yard site shall be expressly forbidden.
9. Storage of fuels shall be contained in ~~below ground~~ tanks meeting the requirements of the State of North Carolina. No such fuel storage shall be within 1000 feet of any residential, educational, or institutional structure. Location of fuel storage tanks shall be so designed as to prevent leakage or spillage into any stream. Gasoline and oil shall be removed from scrap engines or vehicles on the premises and adequately stored for disposal.
10. Salvage materials shall be stored in piles not exceeding 10 feet in height and shall

be arranged as to permit easy access to all such salvage for firefighting purposes.

11. Salvage yard sites shall be adequately drained to assure that no standing water shall exist that might provide breeding habitation for insects. Storm water / drainage shall meet the requirements of the Soil & Water Conservation Office.
12. All proper NCDOT permits required for any additional accesses to Virginia Road shall be issued.
13. All details/improvements shall be installed/constructed according to Chowan County Development Code requirements.
14. The facility shall obtain all other applicable state and federal permits.
15. The applicant shall install a six-foot (6 ft.) privacy fence along the adjoining property line with the parcel located at 108 Center Hill Road (PIN 6990-00-18-5839).

Mr. Morrison noted the Board the Land Use approved is not in conformity with the Land Use Plan, however the Land Use Plan has been considered, and the project is still reasonable and warrants the approval given and is in the public interest.

Commissioner Bonner moved to approve the statement read by Mr. Morrison.

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

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

Mr. Morrison noted that Chairman Smith has previously been recused from any consideration of this application and he has left the meeting and turned the gavel over to the Vice Chairman. He has not participated in any of these discussions.

#### **Hiring of court reporter for Apex CUP Application Hearing**

Mr. Howard stated he is still waiting to hear from a court reporter for the Apex Conditional Use Permit Hearings. He stated this will come back to a later meeting.

#### **HDR Proposal**

Mr. Howard provided the Board with a proposal from HDR to provide technical assistance to Chowan County in review of the Conditional Use Permit application from Apex and requests that the Board of Commissioners enter into a contract with HDR. He stated that staff contacted wind energy research firms and got a list of 4 firms. He stated this firm is the only firm out of the 4 that has not done business with Apex. He stated that he firm mentioned during public comment was not included in the list. He asked that the Board allow staff the time to contact the other firm and come back to the July 5<sup>th</sup> meeting with more information.

Commissioner Kehayes asked what the purpose was of the consultant.

Mr. Howard stated they will review the Apex application. He stated the county is not asking them to review Apex but review the application packet to make sure the studies provided are legitimate and complete as required.

Commissioner Winborne asked if they review the application to see if it meets the current ordinance.

Mr. Howard stated yes. He noted that staff can review setbacks and other ordinance requirements but items like shadow flicker need a more technical review.

Commissioner Kehayes stated he viewed the HDR website. He stated the website appears to be a company that supports wind energy. He stated he wants the questions of health property values and the things that Apex has submitted in the references. He stated that Apex has referenced the World Health Organization and he stated he could find information in contradiction with that. He stated he wants a review that ensure the project doesn't affect health safety and welfare. He stated he wants a truthful review and one that is neutral. He stated he feels HDR doesn't meet that standard. He stated he does not feel the research proposed is what the account is for.

Ms. Bryant stated that HDR has provided work for local governments. She stated all four firms have worked with renewable energy and have worked on both sides. She stated their knowledge base is in that area.

Mr. Howard stated that there is no firm that is neutral on either side of the matter. He stated this process is not to decide on the evidence. He stated he would like a mutual party. He stated that staff has tried to make sure no firm has done any work for Apex.

Commissioner Bonner stated he would like a firm that looks at the standards of the ordinance.

Mr. Howard noted it is not the goal of this company to disprove the ordinance. He stated that the County's role is not to argue if the application meets the standards. He stated the County is responsible for providing the Board with as much information as possible.

Commissioner Winborne asked if Perquimans County has hired someone to review the application.

Mr. Howard stated Perquimans has not.

Commissioner Kehayes stated that according to Mr. Owens our ordinance has four general criteria. He stated he would like information from another source.

Commissioner Nixon stated he would like clarification on what can be done with regards to securing someone to review the application.

Mr. Morrison noted the Board is not required to hire an expert. He noted the burden of proof is on the applicant not the Board. He stated the four criteria is for the Board to decide. He explained the process for evidence presentation.

Commissioner Nixon asked how the Board will know who the expert is.

Mr. Morrison stated that the decision is made by the Board based on the evidence that is given.

Commissioner Mitchener moved to authorize the County Manager and staff to reach out to another company for an additional proposal. Vice Chairman Nixon asked for all in favor, the motion passed unanimously (5-0 Chairman Smith recused)

Mr. Morrison left the meeting.

Chairman Smith rejoined the meeting.

### **Planning Grants for 2016-17**

Ms. Bryant provided with information on Planning and Code Enforcement Grants for FY 16-17 and the impact on the FY 16-17 budget.

A copy of the Planning memo regarding the grants is in the meeting file labeled June 20, 2016.

Comments from the memo have been inserted into the minutes

“The Chowan County Planning Department has secured funding from NC Department of Environmental Quality (DEQ) for both an Abandoned Mobile Home (AMH) Removal Grant from the Division of Environmental Assistance and Customer Service (DEACS); and a Planning & Management Grant from the Division of Coastal Management (DCM) for the updating of the 2008 Edenton-Chowan Land Use Plan. Both of these grant programs require local funding to cover any costs associated with the programs that are above the grant amounts. Mr. Howard requested that I summarize for you the fiscal terms of these two grants so that you might have a clear picture of these two programs prior to your vote on the 2016-17 budget for Chowan County.

**With regard to the AMH Removal Grant:** A contract was signed in May with NCDE Q for Chowan County to participate in this grant program over the next twelve months. The terms of this grant are for the county to be reimbursed for the removal of up to eight (8) AMH in its jurisdiction for an amount not to exceed \$14,500. The Planning Office, according to the terms of the grant, advertised for contractor bids on this program (May 18<sup>th</sup>, May 28<sup>th</sup> and June 1<sup>st</sup>). On the closing date (June 9, 2016), we received one contractor bid from C&M Land Developing for \$5800 per unit (\$46,400 for 8 AMH units). That results in a \$3,988 cost per unit for the County (1 unit cost borne by the town of Edenton), and a \$27,913 total cost to Chowan County for the removal of seven (7) abandoned mobile homes in the County and one (1) in the Town of Edenton.

**With regard to the Planning & Management Grant:** The Planning Office received word of the grant award of \$15,834 in May 2016, and a proposed contract from the Division of Coastal Management is forthcoming. This grant *required* local match of cash and in-kind services

from Chowan County and the Town of Edenton in the amount of \$833.00. A request for proposals was published and the submittal period ended on June 2, 2016 with one company, Holland Consulting Planners (HCP) having submitted a proposal to update the 2008 Edenton-Chowan Land Use Plan. The original proposal amount from HCP was for \$48,000. After discussion between HCP and Town and County Planning and Management staff, reductions were found as follows:

- eliminate the project website (\$2,000)
- eliminate the citizen surveys for the Town and County (\$2,000)
- eliminate the mid-project Town and County community meetings (\$3,000)
- eliminate the bi-monthly written reports to the Town Council & Board of Commissioners (\$1,000)
- eliminate attendance at Town and County Planning Board meetings (\$2,000)
- eliminate inclusion of social media use in the project proposal (\$1,000)
- eliminate the production and dissemination of legal ads (\$1,000)
- reduce the consultants' involvement in the project timeline from May to February 2017 (the CAMA review period) (\$1,000)
- reduce the number of advisory committee meetings from 6 to 4-5 (\$1,000)

If all of these reductions are made, the proposal budget is reduced from \$48,000 to \$34,000. The DCM grant is for \$16,000. The Town and County have agreed to split the remaining cost after the grant. For the full project amount, that would be a share of \$32,000 (\$16,000 each); for the reduced budget that would be a share of \$18,000 (\$9,000).

In our discussion, four reductions were determined to be the "least detrimental" to the project as a whole and its resulting product. Those four were:

1. Eliminate the bi-monthly written report to the Town Council & Board of Commissioners (\$1,000)
2. Eliminate the inclusion of social media use in the project proposal (\$1,000)
3. Eliminate the production and dissemination of legal ads (\$1,000)
4. eliminate the mid-project Town and County community meetings (\$3,000)

If just these four reductions were made, the proposal budget would reduce from \$48,000 to \$41,000. After the \$16,000 grant, this results in a Town and County share of \$25,000 (\$12,500 each). In discussion with our DCM Planner, it is determined that the local government burden of this match might be spread across both FY16-17 and FY17-18.”

Commissioner Winborne moved to re-open the formal bidding process. He later rescinded his motion.

The Board discussed advertisement of all the grants.

Ms. Bryant noted that she would advertise all grant RFPs and bring back to the Board at a later meeting.

### **FY 2016-17 Proposed Budget**

Mr. Howard provided the Board with the FY 2016-17 Budget Ordinance for review and consideration.

Chairman Smith noted the proposed budget includes a 1.5 cent tax increase.

Commissioner Nixon asked what the total budget was.

Mr. Howard stated \$14.4 million not including DSS. He noted the total budget is \$16-\$17 million.

Commissioner Winborne noted there is an increase in sales tax revenue.

Mr. Howard requested that the Budget Ordinance be written the same as the current year budget ordinance with the amendment to the tax rate and fund balance appropriation.

Commissioner Nixon moved to adopt the FY 16-17 budget ordinance as submitted with the ordinance reflecting changes to the tax rate and the fund balance appropriation.

Commissioner Winborne thanked staff for their work on the budget.

Commissioner Nixon thanked staff for their work on the budget and shared that the revaluation in another County in the state required a 10 cent increase he stated he would prefer incremental increases rather than large increases in the tax rate.

Commissioner

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

## Chowan County Budget Ordinance

**Fiscal Year 2016 - 2017**

**BE IT ORDAINED** by the Board of Commissioners of Chowan County, North Carolina as follows:

**Section 1.**

**General Fund (11):**

Based on current history, the following revenues are hereby projections and appropriated in the General Fund for the county's operations and its activities for the fiscal year beginning July 1, 2016 and ending June 30, 2017, in accordance with the Chart of Accounts heretofore established in the County:

<b>AD VALOREM TAXES:</b>		<b>10,390,869.08</b>
<i>TAX PENALTY &amp; INTEREST</i>	<i>100,000.00</i>	
<i>PRIOR YEAR - R &amp; P</i>	<i>218,500.00</i>	
<i>CURRENT YEAR LEVY - R &amp; P</i>	<i>9,164,456.57</i>	
<i>PRIOR YEAR - MV</i>	<i>0.00</i>	
<i>CURRENT YEAR LEVY - MV</i>	<i>907,912.51</i>	
<b>SALES TAX</b>		<b>1,847,976.42</b>
<i>ARTICLE 39 SALES TAX</i>	<i>1,020,050.00</i>	
<i>ARTICLE 40 SALES TAX</i>	<i>737,926.42</i>	
<i>ARTICLE 42 SALES TAX</i>	<i>90,000.00</i>	
<b>OTHER TAXES</b>		<b>52,000.00</b>
<b>PERMITS &amp; FEES</b>		<b>324,327.00</b>
<b>DEPARTMENTAL</b>		<b>623,819.00</b>
<b>MISCELLANEOUS</b>		<b>452,220.00</b>
<b>FUND BALANCE APPROPRIATION</b>		<b>525,070.00</b>
<b>TOTAL REVENUES:</b>		<b>14,216,281.50</b>

Likewise, the following expenditures are estimates for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

	<b>EDUCATION</b>		<b>4,234,427.00</b>
	<i>D. F. WALKER</i>	<i>25,000.00</i>	
	<i>FINES &amp; FORFEITURES</i>	<i>37,500.00</i>	
	<i>SCHOOLS - CURRENT EXPENSE</i>	<i>3,550,000.00</i>	
	<i>COA - CURRENT EXPENSE</i>	<i>200,000.00</i>	
	<i>COA - CAPITAL OUTLAY</i>	<i>200,000.00</i>	
	<i>AFTER SCHOOL GRANT</i>	<i>0.00</i>	
	<i>LIBRARY</i>	<i>221,927.00</i>	
	<b>GOVERNMENT</b>		<b>2,424,175.96</b>
	<b>HUMAN SERVICES</b>		<b>1,033,528.47</b>
	<b>OTHER</b>		<b>248,323.20</b>
	<b>PUBLIC SAFETY</b>		<b>3,426,733.38</b>
	<b>TRANSFER TO SOCIAL SERVICES</b>		<b>926,786.00</b>
	<b>TRANSFER TO RE-VALUATION</b>		<b>0.00</b>
	<b>TRANSFER TO DEBT SERVICE</b>		<b>1,373,690.00</b>
	<b>TRANSFER TO EMS</b>		<b>548,617.49</b>
	<b>TOTAL EXPENDITURES:</b>		<b>14,216,281.50</b>

**Section 2.**

**DSS Fund (12):**

The following revenues are hereby projections and appropriated in the DSS Fund for the Department of Social Services operations for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

<b>SO CIAL SERVICES ALLOCATIONS</b>	<b>2,370,190.00</b>
<b>TRANSFER FROM GENERAL FUND</b>	<b>926,786.00</b>
<b>TOTAL REVENUES:</b>	<b>3,296,976.00</b>

Likewise, the following expenditures are estimates for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

<b>SO CIAL SERVICES - ADMINISTRATION</b>	<b>1,683,638.00</b>
<b>SO CIAL SERVICES - PRO GRAMS</b>	<b>1,613,338.00</b>
<b>TOTAL EXPENDITURES:</b>	<b>3,296,976.00</b>

**Section 3.**

**Water Development Fund (22):**

The Water Development Fund revenues are hereby projections and appropriated for the future expansion of the county's Water System if needed in the fiscal year beginning July 1, 2016 and ending June 30, 2017:

WATER DEVELOPMENT FEES	25,000.00
EARNINGS ON INVESTMENTS	750.00
<b>TOTAL REVENUES:</b>	<b>25,750.00</b>

Likewise, the following expenditures are estimates for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

CAPITAL RESERVE - WATER DEV.	25,750.00
<b>TOTAL EXPENDITURES:</b>	<b>25,750.00</b>

**Section 4.**

**Fire Districts Fund (23):**

For those properties located within Chowan County Rural Fire Districts, there is hereby levied a fire tax rate of Five and one-half cents (\$.055) per one hundred dollar (\$ 100.00) value listed as of January 1, 2016, along with the remaining revenues are projections and are hereby appropriated for the purpose of providing fire coverage:

PENALTY & INTEREST	0.00
PRIOR YEAR - R & P	4,750.00
CURRENT YEAR LEVY - R & P	452,590.00
PRIOR YEAR - MV	0.00
CURRENT YEAR LEVY - MV	47,850.00
ARTICLE 39 SALES TAX	41,209.00

EARNINGS ON INVESTMENTS	500.00
FUND BALANCE APPROPRIATION	75,617.00
<b>TOTAL REVENUES:</b>	<b>622,516.00</b>

Likewise, the following expenditures are estimates for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

CENTER HILL - CROSSROADS	199,578.00
EDENTON - Rural Fire District	358,920.00
BELVIDERE	15,000.00
TRANSFER TO DEBT SERVICE	49,018.00
<b>TOTAL EXPENDITURES:</b>	<b>622,516.00</b>

**Section 5.**

**EMERGENCY TELEPHONE FUND (24):**

The Emergency Telephone revenues noted below are hereby appropriated for the sole purpose of providing E-911 Services in the fiscal year beginning July 1, 2016 and ending June 30, 2017:

TELEPHONE SURCHARGES	162,854.00
EARNINGS ON INVESTMENTS	375.00
FUND BALANCE APPROPRIATION	0.00
<b>TOTAL REVENUES:</b>	<b>163,229.00</b>

Likewise, the following expenditures are estimates for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

CAPITAL GRANT PROJECT	0.00
CENTRAL COMMUNICATIONS	163,229.00
<b>TOTAL EXPENDITURES:</b>	<b>163,229.00</b>

**Section 6.**

**RE-VALUATION FUND (25):**

Having recently completed its 2014 Re-evaluation with monies remaining, the Chowan County Board of Commissioners chose not to appropriate any monies to the Re-Val Fund this fiscal year with the understanding additional monies may need to be appropriated in subsequent years to cover the next re-evaluation.

**Section 7.**

**DEBT SERVICE FUND (30):**

The following funds have been transferred to the Debt Service Fund and are hereby appropriated to meet the financial obligations of the county for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

TRANSFER FROM GENERAL FUND	1,373,689.00
TRANSFER FROM FIRE DISTRICT FUND	49,018.00
TRANSFER FROM SCHOOL CAPITAL RESERVE	613,823.00
TRANSFER FROM LOTTERY	103,573.00
TRANSFER FROM SOLID WASTE	157,344.00
<b>TOTAL REVENUES:</b>	<b>2,297,447.00</b>

Likewise, the following are the actual debt services payments to be made in the fiscal year beginning July 1, 2016 and ending June 30, 2017:

JAHHS RENOVATIONS - QZAB BOND	103,573.00
DF WALKER ELEMENTARY SCHOOL	613,823.00
NORTH CHOWAN COMMUNITY CENTER	204,948.00
SHEPARD - PRUDEN LIBRARY TRUSTEES	104,388.00
SHEPARD - PRUDEN LIBRARY	91,642.00
PUBLIC SAFETY CENTER	1,009,786.00
EO C FURNISHINGS	120,269.00
CENTER HILL FIRE TRUCKS	49,018.00
<b>TOTAL EXPENDITURES:</b>	<b>2,297,447.00</b>

**Section 8.**

**COUNTY CAPITAL OUTLAY FUND (33):**

The following revenues are based on projected land sales and are hereby appropriated in the Capital Reserve Fund for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

LAND TRANSFER TAX	220,000.00
<b>TOTAL REVENUES:</b>	<b>220,000.00</b>

Likewise, the following expenditures are estimates of the school's capital needs and future county projects for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

TRANSFER TO SCHOOL CAPITAL OUTLAY	200,000.00
DESIGNATED FOR FUTURE NEEDS	20,000.00
<b>TOTAL REVENUES:</b>	<b>220,000.00</b>

**Section 9.**

**SCHOOL CAPITAL OUTLAY FUND (40):**

The revenues below are projections based on current fiscal year and are hereby appropriated for the school's capital needs in the fiscal year beginning July 1, 2016 and ending June 30, 2017:

ARTICLE 40 SALES TAX	258,672.00
ARTICLE 42 SALES TAX	517,371.00
TRANSFER FROM COUNTY CAPITAL RESERVE	200,000.00
FUND BALANCE APPROPRIATION	200,000.00
<b>TOTAL REVENUES:</b>	<b>1,176,043.00</b>

Likewise, the following are estimated expenditures for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

SCHOOL CAPITAL OUTLAY	562,220.00
DESIGNATED FOR FUTURE APPROPRIATION	0.00
TRANSFER TO DEBT SERVICE	613,823.00
<b>TOTAL EXPENDITURES:</b>	<b>1,176,043.00</b>

**Section 10.**

**SCHOOL LOTTERY FUND (49):**

The revenues below are projections based on current fiscal year and are hereby appropriated for the school's capital needs in the fiscal year beginning July 1, 2016 and ending June 30, 2017:

ESTIMATED LOTTERY PROCEEDS	103,573.00
<b>TOTAL REVENUES:</b>	<b>103,573.00</b>

Likewise, the following are estimated expenditures for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

TRANSFER TO DEBT SERVICE	103,573.00
DESIGNATED FOR FUTURE APPROPRIATION	0.00
<b>TOTAL EXPENDITURES:</b>	<b>103,573.00</b>

**Section 11.**

**TOURISM DEVELOPMENT FUND (51):**

Upon recommendation from the Tourism Development Authority, the following revenues are hereby appropriated for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

OCCUPANCY TAX	120,000.00
GOLDLEAF	0.00
EARNINGS ON INVESTMENTS	0.00
FUND BALANCE APPROPRIATION	8,011.04
<b>TOTAL REVENUES:</b>	<b>128,011.04</b>

Likewise, the following is a estimate of operational costs for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

TDA ADMINISTRATION / OPERATIONS	128,011.04
<b>TOTAL EXPENDITURES:</b>	<b>128,011.04</b>

**Section 12.**

**EMERGENCY MEDICAL SERVICES FUND (60):**

Based on the medical services needs of the county, the revenues listed below are hereby appropriated for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

AMBULANCE SERVICE FEES	1,100,000.00
MEDIC AID STATE SETTLEMENT	100,000.00
EARNINGS ON INVESTMENTS	0.00
TRANSFER FROM GENERAL FUND	548,617.49
<b>TOTAL REVENUES:</b>	<b>1,748,617.49</b>

Likewise, the following is a estimate of operational costs for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

EMS ADMINISTRATION / OPERATIONS	1,741,081.49
RESCUE SQUAD	7,536.00
<b>TOTAL EXPENDITURES:</b>	<b>1,748,617.49</b>

**Section 13.**

**WATER FUND (61):**

Based on the current Water System Operations and a new water rate structure, the revenues listed below are hereby appropriated for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

UTILITIES CHARGES	1,350,000.00
TAP & CONNECTION FEES	12,000.00
RECONNECTION FEES	45,000.00
EARNINGS ON INVESTMENTS	
MISCELLANEOUS	18,800.00
FUND BALANCE APPROPRIATION	67,073.12
<b>TOTAL REVENUES:</b>	<b>1,492,873.12</b>

Likewise, this is the anticipated cost for operating the county's Water System for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

WATER SYSTEM OPERATIONS	1,492,873.12
<b>TOTAL EXPENDITURES:</b>	<b>1,492,873.12</b>
<p><i>Effective 9/01/15, Chowan County's base water rate will increase from \$ 9.00 to \$ 12.00 per month for the first 2,000 gallons. Afterwards, the rate per 1,000 gallons will increase from \$ 4.50 to \$ 6.00 per 1,000 gallons. Any water customer requesting to have his or her water shut-off outside of regular office hours will be charged a \$ 25.00 Service Call Fee.</i></p>	

**Section 14.**

**SOLID WASTE FUND (62):**

The following revenues are based on anticipated grants and the prior year's fees for the Solid Waste program and are hereby appropriated for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

TIPPING FEES	1,035,000.00
SOLID WASTE DISPOSAL	8,000.00
FUND BALANCE APPROPRIATION	57,344.00
<b>TOTAL REVENUES:</b>	<b>1,100,344.00</b>

Likewise, the following is the estimated cost for the program for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

OPERATIONS	943,000.00
TRANSFER TO DEBT SERVICE	157,344.00
<b>TOTAL EXPENDITURES:</b>	<b>1,100,344.00</b>

**Section 15.**

**AGENCY FUNDS (73, 75 & 76):**

These funds act a simple pass-through, where the County collects revenues for an outside sources. The Tax Department collects monies owed to the Town of Edenton (*Fund 73*), the North Carolina Department of Motor Vehicles (*Fund 75*) and various Drainage Districts (*Fund 76*). Once collected, the revenues are then redirected to the appropriate agency for their specific use.

**Section 16.**

**TAX LEVY:**

There is hereby levied a tax rate of SEVENTY-four cents (\$ .74) per one hundred dollar (\$ 100.00) value on Real & Personal Property and Motor Vehicles listed as of January 1, 2016 for the purpose of generating the revenues included in Sections 1 of this ordinance under the subheading of Ad Valorem Taxes:

**Real & Personal Property:**

ASSESSED REAL PROPERTY	1,113,800,000.00
ASSESSED PERSONAL PROPERTY	115,997,500.00
<b>TOTAL ASSESSED VALUES</b>	<b>1,229,797,500.00</b>
<i>plus:</i> PUBLIC UTILITIES	32,500,000.00
<i>minus:</i> DEFERRED PROPERTIES	0.00
<i>minus:</i> EXEMPT PROPERTIES	0.00
<b>ADJUSTED TOTAL ASSESSED VALUES</b>	<b>1,262,297,500.00</b>
<i>divide by \$ 100.00 of value</i>	<i>/ 100</i>
<b>Total Taxable Value</b>	<b>12,622,975.00</b>
<i>Multiple by FY '13 Collection Rate</i>	<i>98.11</i>
<b>Total Collectible Value</b>	<b>12,384,400.77</b>
<i>Multiple by Levied Tax Rate</i>	<i>0.74</i>
<b>TOTAL AD VALOREM TAXES ON REAL &amp; PERSONAL PROPERTY</b>	<b>9,164,456.57</b>

<b>Motor Vehicles:</b>			
ASSESSSED MO TOR VEHICLES			124,800,000.00
	<i>divide by \$ 100.00 of value</i>		/ 100
TOTAL TAXABLE VALUE			1,248,000.00
	<i>Multiple by FY '13 Collection Rate</i>	X	98.31 %
TOTAL COLLECTIBLE VALUE			1,226,908.80
	<i>Multiple by Levied Tax Rate</i>	X	0.74
<b>TOTAL AD VALOREM TAXES ON MOTOR VEHICLES</b>			<b>907,912.51</b>

**Section 17.**

**EDENTON - CHOWAN SCHOOLS:**

The Edenton - Chowan Schools current expense appropriation in the amount of \$ 3,550,000.00 is contained within the General Fund. It is to be disbursed in (1) monthly payment of \$ 295,837.00 and (11) equal monthly payments of \$ 295,833.00

**Section 18.**

**LAND TRANSFER TAX:**

The Land Transfer Tax collected by Chowan County shall be deposited in the County's Capital Outlay Fund and shall be used for County & Schools Capital Projects as approved by the Board of Commissioners.

**Section 19.**

**AUTHORITIES OF THE BUDGET OFFICER:**

The Budget Officer (*County Manager*) is hereby authorized to make budget amendments and revisions contained herein under the following conditions:

- a. Transfers between operational line item expenditures within a department without limitation. Transfers involving salary/fringe benefits line items or capital line items will require prior approval by the Board of Commissioners.
- b. Transfers up to \$ 1,000.00 between departments, including contingency appropriations within the same fund. The Budget Officer must make an official report on such transfers at the next regular meeting of the Board of Commissioners.
- c. Budget Amendments involving re-occurring Grants (*not requiring a local monetary match*) and/or Departmental Discretionary monies without limitation. For informational purposes, the Budget Officer must provide copies of such amendments to the Board of Commissioners at their next regular meeting.
- d. Transfers involving an employee choosing to receive a cellphone stipend rather than use a county cellphone. For informational purposes, the Budget Officer must provide copies of such an amendment/transfers to the Board of Commissioners at their next regular meeting.

**Section 20.**

**DISTRIBUTION:**

Copies of this Budget Ordinance shall be furnished to the County Manager, County Finance Officer, County Tax Assessor and the Board of Education for direction in the carrying out of their duties.

<b>Section 21.</b>				
<b><u>ADOPTION:</u></b>				
	The Chowan County Board of Commissioners does hereby adopt this Budget Ordinance for the 2017 fiscal year on the 22nd day of June 2016.			

**External Board/Committee Report**

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

There were no reports.

Chairman Smith asked how Jack was doing lately.

Ms. Stallings stated she would ask Barbara Yates how Jack was.

**Manager's Report**

County Manager Kevin Howard will update the Board on any pending matters.

Mr. Howard requested approval to clean up the FY 2015-16 Budget and present the cleanup budget amendments at the August 2016 meeting.

Commissioner Mitchener moved to approve the request as presented.

Commissioner Nixon asked if there were any major adjustments.

Mr. Howard stated probably no, the salary adjustments have already been done.

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

Mr. Howard noted that there are some needed changes to the ambulance purchase price that was approved in the budget. He stated he would bring this back to the Board for consideration at a later meeting.

**Timely and Important Matters**

Chairman Smith asked if there were any timely and important matters, there were none.

**Closed Session**

Commissioner Bonner moved that the Board go into closed session, in accordance with NCGS 143-318 (11) (a) (5) contract negotiations.

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).

**Adjourn**

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

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Jeffery Smith, Chairman

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Susanne Stallings, Clerk