

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

Minutes

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

Commissioner Ellis Lawrence was absent.

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

Chairman Nixon called the meeting to order and led the pledge. Commissioner Mitchener provided the invocation.

Approval of Agenda

Commissioner Kehayes moved that item #7 on the agenda be moved behind item #3.

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

Public Comment

Linda Peterson, 115 Horniblow Point Road provided the Board with an invitation from Albemarle Resources and Conservation District Board to attend a forum on wind energy on May 15, 2013. Chairman Nixon noted that some of the Board members would be participating in ethics training on that date but some other Commissioners may attend.

Mark Dehart, 112 Horniblow Point Road Edenton stated his concern with the County's handling of the water notifications for the Soundside Road area. He stated he was not notified until 9am the day after the phone notifications went out.

Mr. Lamb stated that the problem with the water was with the valve and a break causing low pressure. He stated that once the County realized the drop in pressure, it was proactive in activating a new system for phone notifications to get the advisory out. He noted that the concern was over the low pressure which could allow bacteria into the water. He stated that the phone system was new and many of the residents in the area did not have home phone numbers because many have gone to using cell phones only. He stated the area had over 600 households. He added that since the event the County has been proactive in getting information out to County residents to sign up on the Code Red website to receive home phone, text, email or cell phone notifications.

Board Clerk Susanne Stallings explained that the only data obtained by the notification company was 911 data and that was why many households with no home phone were not notified.

Mr. Lamb stated the County wanted to err on the side of caution by putting out the advisory.

Pat Grother, Mill Village resident stated her concern over not being notified and added that she was not a resident of the affected area. She asked what type of bacteria was suspected.

Ms. Stallings stated that the bacteria noted in the advisory as a possibility of being introduced into the system was coliform bacteria.

Sheriff Dwayne Goodwin noted the memorial in front of the Public Safety Center and noted the various donors on the project. He invited the public and the Board to attend the unveiling ceremony on May 15, 2013.

Commissioner Winborne complimented the monument in front of the Public Safety Center and stated his support of the work of staff in being proactive when the water pressure dropped in the Soundside area.

Consent Agenda

a. Tax Release and Collector’s Report

Brabble, K.	\$150.22	Listed as real property
Cutter, A.	183.77	Voluntary turn in
Hathaway, G.	416.89	Foreclosure
Infinity P. C.	112.45	Vehicle Sold
Layton F.	177.58	Vehicle Sold
Polderdyk, D.	208.58	SITUS – Florida
Smith, H.	115.98	SITUS – Pitt County
Wilson, H.	100.74	Vehicle Sold
Blair, W.	121.27	Vehicle Sold

b. Approval of Minutes

The minutes of the March 19, 2013, March 22, 2013, April 1, 2013, April 10, 2013, April 16, 2013 and April 22, 2013 meetings for Board consideration.

c. Budget Amendments

BA 1213-070:		INCR	DECR		
11-3616-535-00	Donations	\$1,257			
11-4268-351-00	Building Maintenance/Repair	\$1,257			
Increase revenues from donations Increase Expenditures for Building Maintenance and Repair					

Being no discussion on the budget amendments Commissioner Winborne moved to approve the amendments as submitted. Chairman Nixon asked for all in favor, the motion passed (6-0).

Public Hearing

Planner Landin Holland provided the Board with a proposed text amendment TA-13-01. He stated that the text amendment was discussed over the past two years being the County's planner he has seen issues with the zoning change from 2006. He stated that many residents run into a problem when trying to build a garage or outbuilding on their property for a reasonable use. He stated that the County's zoning was uniform to match some existing zoning at the airport area. He stated that zoning was intended to be rural however the rear setback is 40 feet. He stated that the general sense is that the 40 foot setback is too restrictive and overly burdensome on property owners. He stated the proposed text amendment will reduce the rear yard setback from 40 feet to 15 feet. He stated the front and side yard setbacks will remain the same. He stated the front setbacks on Hwy 32 are 50 feet and that was set for future road widening. He stated there are currently 3 to 4 individuals awaiting this approval to move forward with applications. He noted that this proposed zoning change applies only to the A-1 zoning district.

Commissioner Jeff Smith moved to open the floor for the public hearing on the request. Chairman Nixon asked for all in favor, the motion passed (6-0).

Chairman Nixon called for public comment.

There was none.

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

Commissioner Smith moved to approve the Planning Board recommendation to amend the rear yard setback requirement in the A-1 zoning district from 40 feet to 15 feet.

Commissioner Winborne stated that in the minutes of the Planning Board meetings there was some discussion about fire concerns with the decreased setback.

Mr. Holland stated this was for different zoning districts like that in Arrowhead Beach or Chowan Beach where the properties only have 5 foot setbacks.

Chairman Nixon asked how this will impact properties that are subdivided and not rezoned.

Mr. Holland stated that Property Owner Associations may set rear setbacks that will trump the County's requirements.

Being no further discussion Chairman Nixon asked for all in favor of the motion, the motion passed unanimously (6-0).

Nuisance/Code Enforcement Discussions

Mr. Holland stated that the Planning Department is continuing to work to address Code Enforcement and nuisance concerns in the County. He stated that he volunteered with other community residents at a community clean-up date in Chowan Beach. He stated that as previously discussed there is a process for addressing a code enforcement issue. He stated that once a letter is sent and there is no compliance, there is some liability to fall back on the County. He stated that along with Chief Building Inspector Holly Colombo they are working to see how much voluntary compliance they can get and are working with Chowan Beach to schedule one more community clean up day. He stated he hoped to get as much work done as possible without using a great deal of county funds. He stated he would keep the Board updated on his progress.

Chairman Nixon asked how the complaints are received.

Mr. Holland stated that some calls are made to Susanne at the Managers Office and some come to the Building Inspections and Planning office. He stated he would sit down and compile another list of the pending complaints and then make direct contact with the individuals about the nuisance.

Commissioner Smith thanked staff and Commissioner Winborne for their work at the community clean up day.

Commissioner Winborne stated he is of the opinion that the initial contact has been made with the residents and the volunteer work has also been done. He stated that he felt now was the time for the County to begin taking action on the issues he feels have become a health concern.

Mr. Lamb noted the current budget has \$2,000 and if the Board wished to budget more in the next fiscal year they could.

Commissioner Winborne stated that he was told the community cleanup cleared over 8 tons of garbage.

Chairman Nixon asked if a list of the complaints and actions taken could be provided to the Board. He stated he wanted the County to follow the law on the process and would like that documentation. He added that he would encourage community churches and other organizations to use these properties as mission projects to assist the residents who are not able or cannot afford to clean their properties.

Introduction of County Finance Officer

Mr. Lamb introduced Finance Officer Willie Mack Carawan who began working on May 1, 2013.

Mr. Carawan thanked the Board for the welcome and stated he looked forward to working for the County.

County Office Building Discussion

Fixtures remaining in building

Commissioner Kehayes reported that the County Office Building Committee met and discussed various issues regarding the County Office Building. He stated that a discussion was held about the air-conditioning units in the building and some furniture. He stated that there was concern about the fixtures that remain in the building that the windows were framed around. He stated he was told by the committee that putting plywood in a window that was damaged after a unit was removed would be unacceptable. He stated there was also a concern about the manpower to remove the fixtures however it was made clear that the first floor of the building should be cleaned out. He stated the concern was that with the elevator being out of service people would be walking down the stairs carrying heavy air conditioners.

Chairman Nixon stated his concern with leaving the units in the building and recommended that this be discussed by the Planning/Enterprise Committee.

Commissioner Winborne stated he felt the committee could tour the building.

Demolition Permit Application to Preservation Commission

Commissioner Kehayes requested that the public present be allowed to comment on this item.

Town of Edenton's Manager Anne-Marie Knighton read a written statement in the record from Councilman Sam Dixon. A copy of the statement is in the meeting file labeled May 6, 2013. The statement requests that the Board not apply for a demolition permit but allow time for developers to find a use for the property.

Commissioner Winborne asked if this was recommended by the County Office Building Committee or by Councilman Dixon.

Ms. Knighton stated this was a recommendation from the Committee and the Committee requested that Councilman Dixon speak to the Board.

Commissioner Kehayes stated that when this was discussed he questioned if a demolition permit would be detrimental to the marketing of the building. He stated that at the time this was originally discussed at a Commissioner meeting there were no concerns expressed however at the committee meeting, the consensus of the committee was yes, a demolition permit would be detrimental. He stated that he felt the County should give marketing the building their best shot. He stated he felt that if the building is to be rehabilitated a demolition permit is not needed.

Commissioner Winborne stated that his opinion has not been changed by the committee recommendation. He stated he looked at the application as keeping various options on the table. He stated that it would take approximately 18 months for the Board to obtain the approval for the demolition and then has 12 months to take action on the demolition which would provide almost 30 months for the building to be marketed. He stated he did not want to see the building torn down but he felt that option needed to be open.

Commissioner Smith stated that he agreed with both Commissioners that he did not want to see the building torn down. He stated that if the County did not apply for the permit, what would be an adequate amount of time 30 months, 48 months or 10 years. He stated that the time will come that the building would have to be maintained and that will cost the County. He stated that he felt that 30 months was adequate time and that if someone came interested in the building at 29 months the County would delay demolition.

The Board discussed the ability of the Preservation Commission to approve the permit without any delay.

Commissioner Bonner stated he agreed with Commissioner Kehayes and felt that a demolition permit would negatively impact possible sales of the building.

Commissioner Mitchener stated he felt the Board is handicapped if it is not able to be flexible. He stated that he did not have any concerns over having a demolition permit as a second option as long as it is clear that that is not the primary goal of the Board. He stated the uncertainty of the economy also provides another handicap.

Chairman Nixon stated that the organizations represented on the Committee are focused on preservation however if preservation is the only goal of the Committee, the Board may need to appoint others to it. He stated this project should be focused on commerce. He stated that an option has been given to PNC but the County may choose to not exercise that option. He stated that if a developer wanted to demolish the building and construct a hotel on the site that may be something the County would consider. He stated that when the Board discussed the property with Ms. Deviney they were told that a demolition permit would not hinder the sale of the property. He stated that he hoped this building could be saved but the projects main focus should be commerce and job creation. He stated he hoped this committee would work hard to save it however he stated that from the beginning of the discussions the Board has indicated its desire to keep its options open.

Commissioner Kehayes moved to not approve an application for a demolition permit.

Chairman Nixon asked for all in favor, the motion failed (2-4 Nixon, Smith, Winborne and Mitchener).

Commissioner Smith moved to continue with demolition permit application to be on the Preservation Commission's July meeting agenda.

There was some discussion about the timeline for the Preservation Commission to act and Ms. Knighton clarified that upon receipt of the application, the Preservation has 6 months to act on the request, then could decide to delay the permit for one year.

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

JCPC Funding Plan

Mr. Lamb noted that this program is funded through Recreation. He stated the County match for the grant monies are in-kind.

Recreation Director Jason Petersen stated the program provides tutoring, academic enhancement, community service and psychological services.

Commissioner Mitchener spoke in support of the program.

Commissioner Smith asked if the Boys and Girls Club provide any in-kind service for the JCPC program.

Mr. Petersen stated no, however Recreation is working closely with the Boys and Girls Club to rebuild its relationship and evaluate any programs that are similar or duplicated. He stated the Boys and Girls Club is considering partnering to provide a lacrosse field for the Recreation Department.

Commissioner Winborne noted this program was questioned by the Board in previous years with concerns that it may be tying up Recreation resources and possibly a better fit for the School system.

Mr. Petersen stated he felt the program was a good fit for the Recreation Department. He stated he continues to evaluate the programs offered by the Recreation Department.

Chairman Nixon asked how many other Counties are represented on the local JCPC Council.

DSS Director Clifton Hardison stated this is Chowan County only.

Chairman Nixon asked how many neighboring county recreation departments provide JCPC programming.

Mr. Hardison stated he was not aware of that, but this was how it was funded in Chowan County.

Commissioner Winborne moved to approve the JCPC funding plan. Chairman Nixon asked for all in favor, the motion passed (6-0).

Resolution in Opposition of Losing Lottery, Rural Center and Golden Leaf Funding

The Board discussed the proposed resolution.

Commissioner Mitchener moved to approve the resolution as presented.

Chairman Nixon stated that the items mentioned in the resolution are only in the Governor's proposed budget and has not been through the Chambers.

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

Commissioner Mitchener moved to table the motion. Chairman Nixon asked for all in favor, the motion failed (3-3 Kehayes Bonner and Smith)

Register of Deeds and Land Records Annual Report

Register of Deeds Sue Rountree and GIS Coordinator Julie Sharpe provided the Board with their annual reports on their departments. A copy of the PowerPoint is in the meeting file labeled May 6, 2013.

External Board and Committee Reports

Commissioner Smith reported on the activities of the Voluntary Ag District Board.

Commissioner Bonner reported on the activities of the Recreation Advisory Board.

Commissioner Winborne reported on the activities of the Animal Shelter Advisory Committee.

Chairman Nixon reported on the activities of the Tourism Development Authority and Health Department Board.

Timely and Important Matters

Bank Resolutions

Board Clerk Susanne Stallings provided the Board with resolutions from PNC Bank to add Willie Mack Carawan as an authorized user for the accounts with PNC Bank.

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

Hydrilla Meetings

Mr. Lamb noted there were upcoming meetings at Arrowhead Beach regarding Hydrilla. He stated representatives from the State would be present to discuss the matter.

Closed Session

Commissioner Smith moved to go into closed session in accordance with NCGS 143-318 1 (2,5,6) Chairman Nixon asked for all in favor, the motion passed (6-0).

The minutes of the closed session are sealed.

Commissioner Smith moved to close the closed session. Chairman Nixon asked for all in favor, the motion passed (6-0).

Off Sandy Ridge Road Surplus Property

Commissioner Smith moved to declare the property surplus. Chairman Nixon asked for all in favor, the motion passed (6-0).

Commissioner Mitchener moved to counter the offer at \$500 and advertise it for 10 day upset bids. Chairman Nixon asked for all in favor, the motion passed (6-0).

Paradise Road

Commissioner Smith moved to accept and advertise the bid of \$9,500 for the 10 day upset bid process. Chairman Nixon asked for all in favor, the motion passed (6-0).

Employee Health Insurance

Commissioner Mitchener moved to approve the proposed plan with Jones Insurance the (+10 option). Chairman Nixon asked for all in favor, the motion passed (6-0).

Being no further business before the Board, the meeting was adjourned.

D. Keith Nixon, Chairman

Susanne Stallings, Clerk