

Regular Meeting
Monday, April 4, 2011
4:30pm
Shepard Pruden Memorial Library
106 W Water Street

MINUTES

Prior to the 6:00pm meeting, the Board convened at 4:30pm for a meeting with an advocacy committee for Shepard Pruden Memorial Library. Present Chairman Eddy Goodwin, Vice Chairman Keith Nixon, Commissioners Emmett Winborne, Ralph Cole, Jeff Smith and John Mitchener. Staff Present County Manager Paul Parker, Finance Officer Lisa Jones and Board Clerk Susanne Stallings. Commissioner Ellis Lawrence was absent.

Shepard Pruden Advocacy Committee Meeting

The Board met with members of the Shepard Pruden Memorial Library Advocacy Committee including, Craig Miller, Jim Robison, David Blomquist, Linda VanYost and Sharon Adams. The Board received a tour of the library facility. After the tour the advocacy committee shared information on the increased request for funding for FY 2011-12. Increased programming includes computer literacy programs, computer replacement and increased operational hours.

The Board participated in discussion on ways to increase participation by County residents at the Library to include programming for farmers etc who may feel that the library is a Town library and not available to all county residents.

The Board thanked the advocacy for the open and honest discussion and adjourned to travel to their meeting at 6:00pm.

Regular Meeting
Monday, April 4, 2011
6:00pm
Chowan County Public Safety Center
305 West Freemason Street

The Chowan County Board of Commissioners held their regular meeting on Monday, April 4, 2011 at 6:00pm in the Chowan County Public Safety Center, 305 West Freemason Street Edenton NC. Present Chairman Eddy Goodwin, Vice Chairman Keith Nixon, Commissioners Emmett Winborne, Ellis Lawrence, Ralph Cole, Jeff Smith and John Mitchener. Staff Present Finance Officer Lisa Jones; County Manager Paul Parker and Board Clerk Susanne Stallings

Chairman Eddy Goodwin called the meeting to order and then led the group in the pledge.

Commissioner Jeff Smith then provided the invocation.

Public Comment

Chairman Eddy Goodwin asked for public comment in accordance with NCGS 153A-52.1.

There was no public comment; Chairman Eddy Goodwin then closed the floor for public comment.

Agenda Amendment

Ms. Stallings noted the change in the agenda was due to the fact that the school was not prepared to present their proposal. She added that at the last meeting the Board voted to allow the schools 30 days to gather additional information. She stated this will be presented later in April. Ms. Stallings also noted the Voluntary Ag District Ordinance amendment will be presented later after pending legislation is acted on by the General Assembly.

Consent Agenda

Chairman Eddy Goodwin then presented the Consent Agenda.

Consent Agenda

a. Tax Release and Collector's Report (attached)

Bobbitt, M.	\$405.87	Boat sold
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Boyer, J.	118.19	SITUS Onslow County
Brown, C.	415.45	Incorrect property assessed
Brown, C.	362.79	Incorrect property assessed
Floyd, D.	123.48	Vehicle sold
Owens, S.	188.83	SITUS – Military – Georgia
DCFS	175.37	Lease dropped

b. Approval of Minutes

Approval of the minutes of the March 7, 2011 and March 21, 2011 meetings.

Ms. Stallings noted a correction to the minutes of the March 21, 2011 meeting.

c. Recommended Budget Amendments

BT-1011-012

4320	Jail	\$ 30,000	Decrease inmate medical cost
5352	DSS	\$ 13,315	Decrease Medicaid expense
9841	Add'l Reserve	\$ 56,685	Decrease contribution to additional reserve

9841	Contrib to Cap Proj	\$100,000	Increase contribution to capital project fund – COA renovations
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BT-1011-013

4950	Ag Ext	\$ 54,800	Decrease contracted services-salary & benefits- savings realized from frozen positions and ag director salary lapse
4245	Ag Bldg	\$ 54,800	Increase expense for roof replacement at the agriculture building

Commissioner Smith moved that the Board approve items a-c. Chairman Goodwin asked for all in favor, the motion passed unanimously (7-0).

Ms. Jones presented a Capital Project Ordinance establishing a capital project fund.

d. Capital Project Ordinance

A capital project ordinance establishing capital project fund for the renovations and moving costs associated with consolidating College of the Albemarle Administrative Offices at the Food Lion Shopping Center to the DF Walker Campus (Oakum St.)

COLLEGE OF THE ALBEMARLE RENOVATION/MOVING EXPENSES

PROPOSED CAPITAL PROJECT ORDINANCE

BE IT ORDAINED by the Governing Board of Chowan County, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The project authorized is the renovations and necessary moving costs associated with the consolidation of the College of the Albemarle Administrative Offices at the Food Lion Shopping Center to the College of the Albemarle-D F Walker campus to be financed by contributions from the General Fund.

Section 2. The officers of this unit are hereby directed to proceed with the capital project within the terms of the budget contained herein.

Section 3. The following amounts are appropriated for the project:

46-5921-600 Contracted Services-Renovations/Moving Expenses \$200,000.00

\$200,000.00

Section 4. The following revenues are anticipated to be available to complete this project:

46-3591-011	Contribution from General Fund	<u>\$200,000.00</u>
		<u>\$200,000.00</u>

Section 5. The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of state and federal regulations.

Section 6. Funds may be advanced from the General Fund for the purpose of making payments as due.

Section 7. The Finance Officer is directed to report, on at least a quarterly basis, the financial status of each project element in Section 3.

Section 8. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this Board.

Section 9. Copies of this capital project ordinance shall be furnished to the Clerk of the Governing Board, and to the Budget Officer and the Finance Officer for direction in carrying out this project.

Commissioner Smith asked if the Capital Project Ordinance would go forever.

Ms. Jones stated that the Ordinance would end when the project is closed out and completed.

Commissioner Cole moved that the Board approve the ordinance as presented. Chairman Goodwin asked for all in favor, the motion passed unanimously (7-0).

Fair Housing Month Proclamation

Nancy Winslow presented a resolution for the Board's consideration of a Proclamation to declare April 2011 "Fair Housing Month"

**PROCLAMATION
FOR
FAIR HOUSING MONTH
APRIL 2011**

WHEREAS, April 2011 marks the 43rd anniversary of the Federal Housing Act of 1968 and the 28th anniversary of the North Carolina Fair Housing Act. Both laws prohibit discrimination in housing because of race, color, sex, religion, national origin, handicap and familial status; and

WHEREAS, the Chowan County Board of Commissioners, Albemarle Area Association of Realtors, Elizabeth City State University Community Development Program, and Northeastern Community Development Corporation, and county and local governments, concerned citizens and the housing industry, are working to make fair housing opportunities possible for all our citizens. Through their efforts, they are encouraging others to abide by the letter and the spirit of the fair housing laws; and

WHEREAS, one of the most important concerns of Chowan County citizens is the availability of housing to them as individuals and families. By supporting and promoting fair housing and equal opportunity, we are contributing to the health of our County and our State;

NOW, THEREFORE, The Chowan County Board of Commissioners, do hereby proclaim April 2011 as "Fair Housing Month" in Chowan County and urge our citizens to rededicate themselves to ensuring that fair housing laws are always upheld and citizens are protected against discrimination.

ADOPTED, this 4th day of April, 2011.

Commissioner Mitchener moved that the Board adopt the resolution. Chairman Goodwin asked for all in favor, the motion passed unanimously (7-0).

Items for discussion from the March 21, 2011 Mtg

Senior Center Expansion

Connie Parker presented a request for expansion of the Senior Center Fitness Room and storage to space previously occupied by the Arts Council. She provided the Board sketches of the proposed design.

Commissioner Cole asked if the walls to be removed were load bearing walls.

Ms. Parker said no.

Commissioner Nixon asked if the Senior Center budget could absorb the increased utility costs.

Ms. Parker said yes, she noted that there are grant monies for the construction and she is depending on donations to cover any additional expense.

Commissioner Nixon stated his concern was the increased utility cost for future budgets. He stated he wants to ensure the costs would be covered by donations or covered within the current budget.

Ms. Parker noted that the expanded area does not have vents and the facility would not use additional heat or air from another unit.

Commissioner Nixon stated that since there was not going to additional costs for utilities he moved that the Board approve the request as presented. Chairman Goodwin asked for all in favor, the motion passed (7-0).

Smoke Free Facilities

Board Clerk, Susanne Stallings provided a survey of the counties that responded as to what type of smoke free facility policies or ordinances they have in place.

Chairman Goodwin stated that he would like for the Board to consider this in the future. He noted that there was previously a littering problem however receptacles have been installed to assist with that problem.

Commissioner Smith stated he would be against a policy that infringes on people's rights.

Commissioner Nixon stated he was not prepared to make a recommendation however he feels that a 50' rule would be more appropriate rather than a total ban.

Commissioner Mitchener stated he would be in support of having a policy in place. He stated he would however support testing the new receptacles through September and revisit the topic if there is still a problem with smoking at the entrances.

Chowan County Policy for Write-Off of Uncollectible Accounts Receivable

Ms. Jones presented the Board with a policy for the Board's consideration regarding write off of uncollectable accounts receivable. She noted that currently there is no policy in place for EMS and Water accounts. She added that the auditor has approved the draft policy.

Commissioner Cole moved that the Board adopt the policy.

Being no further discussion, Chairman Goodwin asked for all in favor, the motion passed (7-0).

(a copy of the policy is in the meeting file labeled April 4, 2011).

Ms. Jones then requested that the Board, in accordance with the adopted policy write off the following:

1. 237 Water Accounts, totaling \$37,259.94 (over 36 months delinquent)
2. 3,047 EMS Accounts, totaling \$738,120.81 (over 34 months delinquent)

Ms. Jones noted the accounts date back to 2004.

Commissioner Nixon asked if lottery monies could be sought as collectible.

Ms. Jones stated no, it is illegal to collect on these accounts because of statutes.

Commissioner Nixon expressed his concern over the removal of the accounts and the negative impact on the EMS fund.

Ms. Jones stated that the auditor currently removes the bad debt as it is not collectable by.

Commissioner Mitchener moved that the Board approve the two write-offs. Chairman Goodwin asked for all in favor, the motion passed (7-0).

Code Enforcement

Chairman Goodwin noted that at the March 21, 2011 meeting, the Board discussed reinstating the Code Enforcement program. He called on Chief Building Inspector Holly Colombo to discuss the Code Enforcement Program.

Mr. Colombo stated that the program has not been enforced since 2008. He stated that if he determines eminent danger then the inspections staff will step in and take action currently. He provided information on the Nuisance Budget for 2008 totally \$13,875 budgeted and noted that to date staff is still collecting on the revenues owed. He provided the Board with information on revenue shortfalls and explained the difficulty to collect. He noted that tax liens are placed on the property after non collection and usually there are no monies collected until the property is transferred.

Commissioner Nixon asked if these numbers represent both the County and the Town.

Ms. Jones stated this was County figures only.

Commissioner Nixon asked if this could be established as a special revenue fund.

Ms. Jones stated this only qualifies as a general fund function.

Commissioner Nixon asked if there is a way to revise the ordinance.

Mr. Colombo stated that there is difficulty in determining nuisance vs. junk.

Mr. Parker stated that often problems like this are better dealt with by a Homeowners Association.

Chairman Goodwin stated that he would like to have staff look into the ordinance and enforceability as well as look into other Counties Nuisance Ordinances. and talk about this with the next few months.

Memorandum of Agreement – Shelter Operations

Mr. Parker noted that attached is a Memorandum of Agreement between Gates, Chowan and Perquimans Counties on the operation and maintenance of the Tri County Animal Shelter.

Commissioner Nixon asked if the agreement or the budget includes costs for administration (Manager, Finance Officer, HR, etc).

Ms. Jones said no, that is not included.

Commissioner Nixon stated that he felt that cost should be billed for operations of the shelter.

Ms. Jones noted that 3% is typically the amount charged for Administrative expenses.

Commissioner Nixon stated he felt now was the time to address such costs, he requested that the manager negotiate this with the managers from Gates and Perquimans.

Chairman Goodwin asked if there were any questions from the audience.

Barbara Yates stated that costs for re-claim of animals should be looked into as well as court case holds from other counties due to the costs of food and boarding of the animals.

Ms. Jones stated that this cost is captured through the courts when there is a judgment on behalf of the County.

Ms. Yates asked if the County wins all cases.

Sheriff Dwayne Goodwin stated that the monies collected are set at the discretion of the judge hearing the case.

NCACC District Meeting

Chairman Goodwin noted that the NCACC will host district meetings in April and counties will be asked to report their primary budget and non-budgetary concerns. He noted that he and/or Commissioner Nixon will serve as a delegate to give their County's report at the meeting.

Board Appointment

Chairman Goodwin stated that the Board is asked to appoint a representative to serve on the Economic Improvement Council to replace the seat previously held by Glorious Elliott. He stated the Council has recommended appointment of Diane Blount who is employed by Partnership for Children.

Ms. Stallings noted that Ms. Blount meets the requirements of the appointment as she holds a degree in Early Childhood and that this appointment is for a 5 year term.

Commissioner Cole moved that the Board appoint Diane Blount to a 5 year term. Chairman Goodwin asked for all in favor, the motion passed unanimously (7-0).

Tax Annual Report & Request for Refund

Tax Administrator Gene Rountree presented a request for Board approval of a refund of Town of Edenton Taxes for barges located outside of the city limits and within Chowan County. Mr. Rountree stated the barges should be SITUS outside of the Town limits and pending Town approval this would also require authorization by the Board of Commissioners.

Ms. Jones noted this would be deducted from the next disbursement to the Town.

Commissioner Mitchener moved that the Board approve the refund. Chairman Goodwin asked for all in favor, the motion passed unanimously (7-0).

Tax Administrator Gene Rountree then provided the Board with an update on the annual activities of the Tax Office. (A copy of the PowerPoint is in the meeting file labeled April 4, 2011).

External Board/Committee Reports

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

There were none to report.

Finance Officer Report

Finance Officer Lisa Jones provided the Cash Balance Summary and Cash and Investment Balance information for the month of February totaling \$9,211,367. (A copy of the PowerPoint is in the meeting file labeled April 4, 2011).

Manager Items

County Manager Paul Parker updated the Board on the following items:

- S.O.C (Valhalla discharge violation) A meeting with Division of Water Quality produced potential good news for the County. DWQ has changed their rules and the toxicity tests are now the determining factor in violation of the NPDES permit, not the chloride limit. He stated the County may be required to build detention tanks however may not have to construct a discharge line to the river thus saving the county millions of dollars. He stated he would keep the Board informed.

Chairman Goodwin asked that the Manager continue pursuit of partnering with the two counties on a regional water supply.

- RiverSound Development Mr. Parker provided information on the status of RiverSound Development stating that he spoke with the attorney for the developer and was told that RiverSound is not in foreclosure. He stated he provided this information to the County Attorney as well and as it appears RiverSound is ok until December. He added that the Planner Landin Holland is preparing a status report on this for the Board.

-Bennett's Millpond Mr. Parker stated that \$4,500 has been donated, Mary Sawyer has located \$5,000 in the Recreation budget, and he and Ms. Jones are looking for more within that budget. He hopes to not request more than \$15,000 from the Board to be taken from contingency at the next meeting.

Timely and Important Matters

Resolution opposing the bill "Designation of Coastal Game Fish"

Ms. Stallings presented a request sent to the Board earlier in the week from Dare County that supports the opposition of a bill designating coastal game fish.

Commissioner Smith moved that the Board support the resolution. Chairman Goodwin asked for all in favor, the motion passed unanimously (7-0).

**RESOLUTION OPPOSING THE HOUSE BILL DRH60052-SB-13
“DESIGNATION OF COASTAL GAME FISH”**

WHEREAS , the Fisheries Reform Act (FRA) recognizes that commercial fishermen perform an essential function by providing wholesome food for the citizens of the State while struggling to earn a living in an industry whose resources are managed by both the State and Federal agencies and whose labor accounts for revenue, jobs and is significant to the tax base; and

WHEREAS, designating “Game Fish Status” for Red Drum, Striped Bass, Spotted Sea Trout and other fish species will deprive consumers in North Carolina and the nation of access to fresh, locally harvested seafood; and

WHEREAS, allocating 100% of the resources to less than 3% of the population of our state and to specific user groups would be a travesty of fairness, a violation of the Fisheries Reform Act, and devastating to the economies of coastal communities; and

WHEREAS, designating a resource to “Game Fish Status Only” has never enhanced the resource, and will threaten coastal communities with the loss of jobs and access for all citizens; and

WHEREAS, North Carolina, as a recognized leading producer of seafood, has one of the most diverse fisheries in the United States and should be allowed to continue harvesting wild caught fish species in order to bring to market a wonderfully fresh, sustainably managed, revenue producing, proven resource for all its citizens;

NOW, THEREFORE BE IT RESOLVED that the Chowan County Board of Commissioners strongly oppose imposing “Game Fish Status” by the legislature, and ask that they honor the Fisheries Reform Act by continuing to make all fish species available for the benefit and enjoyment of all North Carolina citizens.

Adopted this the 4th day of April, 2011 in Chowan County, North Carolina.

Maritime Development Resolution

Commissioner Mitchener presented a resolution emailed that day to the Board concerning funding cuts for feasibility study on maritime development. This resolution was to research “deep water ports”.

Commissioner Nixon stated he would like to investigate this resolution more before voting on it.

Chairman Goodwin asked that the clerk place the resolution on the next meeting agenda.

Executive Session

Commissioner Nixon moved that the Board go into Executive Session in accordance with NCGS 143-318.11(a) (1) and (5). Chairman Goodwin asked for all in favor, the motion passed unanimously (7-0).

The minutes of the Executive Session are sealed.

Following the Executive Session, Commissioner Cole moved that the Executive Session be closed. Chairman Goodwin asked for all in favor, the motion passed unanimously (7-0).

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

Chairman
Edward C. Goodwin

Clerk