

**Regular Meeting**  
**Monday December 3, 2012**  
**6:00 pm**  
**Chowan County Public Safety Center**  
**305 West Freemason Street**

Minutes

The Chowan County Board of Commissioners held their regular meeting on Monday, December 3, 2012 at 6:00 pm at the Chowan County Public Safety Center. Present: Chairman Eddy Goodwin, Commissioners Keith Nixon, Ellis Lawrence, Jeff Smith, Emmett Winborne, Ralph Cole and John Mitchener.

Staff present: County Manager Zee Lamb, Finance Officer Kim Woodley and Board Clerk Susanne Stallings.

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

**Old Business**

Chairman Goodwin provided the Board with the following two items under Old Business. Commissioner Smith moved that items a and b be approved. Chairman Goodwin asked for all in favor, the motion passed unanimously (7-0).

- a. Minutes from November 15, 2012 meeting.
- b. LEPC Roster

Chairman Goodwin noted that at the November 5, 2012 meeting the Board received a list of the 2012-13 roster of the Local Emergency Planning Committee.

- c. Employee Recognition Ceremony

Chairman Goodwin led a recognition ceremony to recognize County employees for their years of service. The following employees were recognized:

2007 - 5 Year Anniversary

Charlotte H Mizelle	Central
Cordell F Palmer	Sheriff
Tonya C Ayers	EMS
Charles D Hill	EMS
Kriston H Jordan	EMS
Sherry P Harris	Soil & Water
Tina G Dunlow	DSS
Romona G Ferebee	DSS
Tyeshia B Phelps	DSS

2002 – 10 Year Anniversary	
Tammy L Smith	Central
Edward “Scooter” Basnight	Sheriff
Karen W Castelloe	Inspections/Planning

1997 – 15 Year Anniversary	
Curtis A Bembry	Jail
Jacqueline Riddick	Jail

1992 – 20 Year Anniversary	
Mattie M Lawrence	Maintenance
Connie P Parker	Senior Center
William A “Andy” Bunch	Sheriff
Dwayne L Goodwin	Sheriff

1987 – 25 Year Anniversary	
Harry R Ward	Sheriff

d. Commissioner Recognition Ceremony

Vice Chairman Nixon then recognized outgoing Commissioners Ralph Cole and Eddy Goodwin. Both Mr. Cole and Mr. Goodwin thanked the Board and staff and provided outgoing remarks. Both then took a seat in the audience.

Vice Chairman Nixon called for a 5 minute recess.

After the recess, Vice Chairman Nixon called the meeting to order.

**Administration of Oaths**

Board Clerk Susanne Stallings then administered the oath of office to newly elected Commissioners Greg Bonner and Alex Kehayes. She also administered the oath of office to re-elected Commissioners Emmett Winborne and Keith Nixon.

**Organizational Meeting**

Election of Officers

County Manager Zee Lamb then moderated the December 2012 Organizational Meeting. He noted that the Board is to choose one of its members as Chairman for the ensuing year. He then opened the floor to nominations.

Commissioner Smith nominated Keith Nixon as Chairman.

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

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

Commissioner Winborne nominated Jeff Smith as Vice Chairman.

Being no further nominations, Chairman Nixon closed the nominations and the motion to elect Commissioner Smith as Vice Chairman passed unanimously (7-0).

### 2013 Meeting Schedule

Chairman Nixon then opened the floor for discussion of a meeting schedule for 2013.

Commissioner Winborne stated that in his opinion the use of committees for planning worked well for the Board and suggested that the Board look into using committees again.

Commissioner Lawrence stated he had no concern with committees but requested that all committee findings be reported to the full Board at the next meeting.

Commissioner Smith stated he was not a commissioner when committees were utilized but he felt that meeting twice per month is best for the Board. He stated he wanted the day meetings to be as originally planned and be a workshop meeting and use the night meeting to vote and hold public hearings. He stated he felt it would be most beneficial to have a work session meeting and a business meeting each month. He added that the Board members are already appointed to various committees which require more time for meetings.

Commissioner Mitchener stated that he did not like the idea of committees because when three committee members made a report to the full Board, it was difficult to tell that the remaining Board members were as informed on a topic as the committee members. He stated that he felt when all Board members are a part of the conversation; they are individually being educated on any issues for a discussion topic.

Commissioner Winborne stated that the discussions previously regarding generators is an example of how something could have been best handled by a committee rather than going before the Board several times.

Commissioner Kehayes asked for clarification on the difference between a workshop meeting and a regular meeting.

Board Clerk Susanne Stallings stated that a committee appointed by the full Board, falls under open meetings law and all committee meetings are open to the public and advertised. She added that the Board originally intended for the day meeting to be a work session where items were discussed by the full Board, but action would have been taken at the next regular meeting.

Commissioner Smith stated that the Board should also be aware that when a committee is established, due to the open meetings law requirements, if a committee has three appointed

members, two members could not discuss a committee topic outside of a meeting because that is a majority of the committee.

Commissioner Winborne stated that he felt the Board accomplished much more with committees and stated he missed the strategic planning and ideas that came from the committee level.

Commissioner Mitchener stated he felt the Board was best served by meeting as a whole and not in committees.

Chairman Nixon stated that there are pros and cons to both, but agreed he felt the Board accomplished more in committees. He stated that several residents have approached him questioning why certain discussion items were not resolved before a topic came before the full Board. He stated a committee does not make a decision but serves as an advisory body to the full Board. He stated he does want to have one meeting as a work session and the other meeting to be a regular meeting. He stated that the law requires the Board to adopt a schedule with at least one meeting per month and recommended that the Board tentatively set a schedule for the first Monday until a consensus could be reached for meeting format.

Commissioner Bonner stated that he agreed a meeting schedule should allow for work session meetings.

Commissioner Smith moved to set the 2013 meeting schedule for the first Monday of each month at 6:00pm, unless the Monday is a holiday the meeting would be moved to Tuesday. He added that he would like for the Board to discuss at the next meeting a schedule to allow for work sessions either in committee or as the full Board. Chairman Nixon asked for all in favor, the motion passed unanimously (7-0).

Commissioner Mitchener moved to amend the agenda to allow for public comment. Chairman Nixon asked for all in favor, the motion passed unanimously (7-0).

### **Public Comment**

Tri-County Animal Shelter volunteer and Friends of the Animal Shelter representative Barbara Yates provided the Board with an update on the activities of the Friends of the Animal Shelter. A copy of the statement is in the meeting file labeled December 3, 2012.

Being no further public comment Chairman Nixon closed the floor to public comment.

### **Consent Agenda**

#### **Tax Release and Collector's Report**

Baker, J.	\$132.66	Vehicle Sold
Harris, M.	306.47	SITUS Carteret County
Knight, Y.	140.02	SITUS Gates County

Miller, H.	126.88	Billed on wrong account
Seal, D.	104.06	Vehicle Sold

Budget Amendment

<b>BA 1213-040:</b>		INCR	DECR			
11-4350-299-00	Dept supplies-Inspections	3,268				
11-4210-299-00	Dept supplies-IT		3,268			
Purchase of administrative department PCs have been budgeted in the IT department in the past. We are now charging the applicable department for its IT equipment purchases. Three PCs are being replaced in the Inspections Department.						

Tax Administrator Kep Kepley provided information on Tax Releases and Finance Officer Kim Woodley provided an explanation for budget amendments.

Being no further discussion on the consent agenda, Commissioner Mitchener moved that it be approved. Chairman Nixon asked for all in favor, the motion passed unanimously (7-0).

**External Board/Committee Report**

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

Commissioner Mitchener reported on the activities of the Hospital Directors Council.

Commissioner Lawrence reported on the activities of the COA Board.

Chairman Nixon provided an update on the activities of the TDA Board.

**PNC Bank Resolution**

Finance Officer Kim Woodley provided the Board with a resolution that lists authorized representatives for the checking accounts at PNC Bank:

Newly elected Board Chairman, County Manager Zee Lamb, Finance Officer Kim Woodley, Asst Finance Officer Kim Smith

She noted that PNC holds two accounts one is a checking and there are two money market accounts. She noted that the inmate checking would authorize the Sheriff, Chief Deputy and Administrative Assistant as users on that account along with the Manager, Chairman, Finance Officer and Assistant Finance Officer.

Commissioner Smith asked if the County is paying fees for these accounts.

Ms. Woodley stated that the fees have been credited back, but she plans to submit a banking RFP to the Board the first of the next year.

Mr. Lamb added that all banks will be given an opportunity to bid on the County's banking.

Being no further discussion, Commissioner Winborne moved that the Board approve the resolutions. Chairman Nixon asked for all in favor, the motion passed unanimously (7-0).

### **Animal Shelter Annual Report and Report from Friends of Animal Shelter**

Animal Shelter Director Dana Goheen provided the Board with an update on the annual activities of the Animal Shelter. A copy of her written statement is in the meeting file labeled December 3, 2012.

Chairman Nixon noted that the part-time person that was budgeted for two months is expiring in the budget and that the Board would have to grant permission to move monies into salary.

Mr. Lamb noted that the cost for extending the position is \$1200 to \$1300 extra per month and that Ms. Goheen could fund that position for at least another month within her budget.

Chairman Nixon stated that the other Counties (Gates and Perquimans) didn't want the Shelter budget to go over, however if there are monies remaining at the end of the year they could be moved. He added that he has seen improvement at the shelter in the past few months.

Commissioner Winborne stated he has received good feed-back on the shelter as well.

Mr. Lamb noted there has been an increase in adoption fees which will also help fund that position. He added that the part-time line item will be depleted if there is no budget amendment.

Ms. Woodley stated that the adoption revenues could be used if the advisory committee to the shelter agrees to it.

Commissioner Bonner asked if the monies could be used to balance the budget.

Mr. Lamb stated his concern was the uncertainty of utility costs fluctuating.

Commissioner Kehayes moved to extend the position 60 days.

Chairman Nixon noted that it should be said that the monies do not exceed the budget.

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

### **Tax Appeal**

Tax Administrator Kep Kepley provided the Board with information on a tax appeal. He stated that Albemarle Boats has requested time to discuss an appeal where a review in 2009 of assets that were found to be under listed. He stated he has reviewed the file and determined that he is unable to grant the request which is the reason it is before the Board.

Chairman Nixon asked why this appeal is not being heard by the Board of Equalization and Review (E&R).

Mr. Kepley stated that the Board of E&R meets in April or May to hear appeals on property. He stated that the Board of Commissioners may hear this appeal or defer it to the Board of E&R.

Chairman Nixon stated his concern for hearing an appeal without the County Attorney present.

Mr. Lamb stated that the Board can hear the evidence and decide on the appeal or defer a decision to the Board of E&R or not hear the evidence and defer the matter to the Board of E&R. He asked if the appellant would incur any additional interest or penalties.

Mr. Kepley stated that no interest will be charged on this finding. He stated that deferring the appeal would not adversely impact the taxpayer because the penalty remains the same, after the first year the interest is 10% per year. He added this is different because this is a discovery appeal which makes it different than most appeals.

Commissioner Winborne stated he would prefer to have the County Attorney present when hearing this appeal.

Commissioner Mitchener moved to hear the appeal.

After discussion on the motion, Commissioner Mitchener moved to withdraw his previous motion.

Chairman Nixon stated he was leery of hearing the appeal until the new Board members are able to be trained on the legal ramifications of tax appeal hearings.

Commissioner Smith apologized to the appellant for not hearing the appeal that night. He moved to defer the appeal to the Board of E&R hearing in April. Chairman Nixon asked for all in favor, the motion passed unanimously (7-0).

Chairman Nixon offered his apologies to the appellant and stated that his concern is that the Board be consistent with the manner it hears appeals and stated that the appeal would be heard in April or May by the Board of E&R.

### **NCACC Legislative Goals Conference**

Chairman Nixon noted that the Association has requested that Chowan County appoint a voting delegate to its Legislative Goals Conference on January 24-25, 2012. After discussion it was determined that no Board members would be attending the conference. Mr. Lamb stated he would attend if requested.

### **Appointments**

Chairman Nixon noted that in 2011 the Board restructured the appointments of members to the TDA Board. At the time the Board staggered the appointments. He stated that the following

TDA Board members are eligible for reappointment and have only served one year of what typically is a three year appointment.

Katrina Barnes

Ben Speller

Jerry Climer

Keith Nixon (Commissioner Appointment)

Commissioner Mitchener moved to approve the re-appointment of the members. Chairman Nixon asked for all in favor, the motion passed unanimously (7-0).

### **Timely and Important Matters**

#### Fixed Asset Report

Chairman Nixon noted that the Finance Officer has provided the Board with a copy of the fixed asset report.

#### Boards and Commissions Appointments

Chairman Nixon noted that it is time for the Chairman to make the Commissioner Appointments for 2012. He provided the Board members with his recommended appointments. He asked the Board members to review the recommendations and contact him if they have any questions or concerns over the recommendations. He stated the Board could vote on the appointment list at the next meeting.

#### Retreat

Mr. Lamb stated he would like the Board to schedule a retreat in January or February to begin planning.

#### Welcome

Commissioner Winborne welcomed Commissioners Bonner and Kehayes and stated that he felt both Commissioners would bring expertise to the Board. He challenged the Board to remain responsible and to continue working closely with staff to continue moving forward.

Mr. Lamb stated that he has an open door policy and added that he looks forward to the orientation for the newly elected Commissioners.

Chairman Nixon welcomed Commissioners Bonner and Kehayes and encouraged them to utilize staff, the auditor and the School of Government as resources in understanding the budget and other county issues.

**Adjourn**

Being no further business, Commissioner Mitchener moved that the meeting be adjourned. Chairman Nixon asked for all in favor, the motion passed unanimously (7-0).

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D. Keith Nixon, Chairman

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Susanne Stallings, Clerk