

Regular Meeting
Monday February 4, 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, February 4, 2013 at 6:00 pm at the Chowan County Public Safety Center. Present: Chairman Keith Nixon, Commissioners Jeff Smith, Ellis Lawrence, Greg Bonner, Emmett Winborne, Alex Kehayes and John Mitchener.

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

Chairman Nixon called the meeting to order.

Commissioner Smith then provided the invocation.

Chairman Nixon requested that the Board amend the agenda to move Item #3 to the end of the agenda to all the School Board the opportunity to be present for the discussion. He noted that the School Board is in a meeting at the same time, but may be present later to participate in the discussion.

Commissioner Mitchener moved to amend the agenda and approve the agenda with the change. Chairman Nixon asked for all in favor, the motion passed (7-0).

Public Comment

Chairman Nixon opened the floor to public comment.

JCPC Program Update

Gwen Brown, 108 Paxton Lane requested the opportunity to speak to the Board on the JCPC program administered by the Edenton-Chowan Recreation Department. She called on guests to speak on the impact of the program.

Barbara Drew, 111 East Gale Street stated that the program was positive and effective in helping her grandchildren she stated her support of the Recreation Department providing the programming in Chowan County.

Karen Ames, 1011 Yeopim Road stated her duties as the supervisor of intensive supervision.

Nancy Hodges, 295 Ridgecrest Drive Chocowinity NC stated she is the District Director of the JCPC program. She praised the efforts of the program and staff in Chowan County. She thanked the Board for their support of JCPC programming in Chowan County.

Commissioner Winborne asked for the amount of funds granted to Chowan County from JCPC.

Ms. Hodges stated the total funds are \$75,396.

Commissioner Kehayas asked how the program differs from other programs of its nature.

Ms. Hodges stated the partnership is between the State of North Carolina and the Community. She added that in May the group will present to the Board a request for support of the State's funding recommendation.

Merherrin-Chowanoke Nation Request of Support

Donna Chavis, 1414 Millpoint Court Suffolk Virginia, presented the Board with a request that the Board support the Meherrin-Chowanoke Nation's quest to obtain Federal and State recognition. She stated there are members of the tribe who are residents of Chowan, Gates, Hertford and Perquimans Counties. She stated the group has requested letters of support for their efforts to obtain recognition. She stated the history of the tribe can be validated through oral and written history. She provided the Board with copies of letters of support from other counties.

Chairman Nixon stated he would like to get more information on the request before making his decision.

County Manager Zee Lamb asked if the recognition gives the tribe the opportunity to open a casino.

Ms. Chavis stated that Federal recognition allows this, however the tribe's efforts are focused on State recognition first.

The Board discussed the request and by consensus recommended to place it on the February 18, 2013 work session agenda.

School Board Terms

Bill Moore, 353 Schooner Landing Drive read a statement into the record in support of the Commissioners requesting legislation to limit the Board of Education terms from 6 years to 4 years. A copy of the statement is in the meeting file labeled February 4, 2013. He stated his reasons for supporting this change was to bring Chowan County's terms in line with other boards of education in the state and allows for Board members to be more accountable to their voters.

Rhonda Jordan 222 Country Club Drive spoke in favor of a motion to reduce the terms of Board of Education members from 6 years to 4 years. She stated she felt this was in the best interest of Chowan County and that she felt this would allow more accountability for Board members.

Consent Agenda

a. Tax Release and Collector's Report

Bond, K.	\$ 104.36	Listed on another account
Caughman, W.	\$1228.63	New plan received at a later date
	\$1228.63	
	\$1228.63	
Hope, W.	\$ 274.20	Vehicle Sold
Jordan, O.	\$ 127.41	Senior Exemption
Moore, H.	\$ 141.49	Vehicle Turned Back In
Rice, D.	\$ 249.54	Wrong value assigned by computer
Walker, J.	\$ 114.07	Listed in Columbus County
Walker, S.	\$ 179.78	SITUS Perquimans County
Hope, W.	\$ 116.98	Vehicle Sold
Kielwein, J.	\$ 102.99	Vehicle Sold

b. Approval of Minutes

Attached are the minutes of the January 7, 2013 and January 22, 2013 meetings for Board consideration.

Commissioner Smith moved to approve items a and b. Chairman Nixon asked for all in favor, the motion passed unanimously (7-0).

c. Budget Amendments

BA 1213-041:		INCR	DECR			
11-3417-364-00	2012 HAVA Grant	5,764				
11-4170-126-00	Wages-precinct workers	6,896				
11-4170-261-00	Office supplies		200			
11-4170-299-00	Departmental supplies		1,400			
11-4170-311-00	Travel	160				
11-4170-321-00	Telephone & postage	711				
11-4170-341-00	Printing	1,654				
11-4170-351-00	Repair/maint-voting precints		1,000			
11-4170-352-00	Repair/maint-equipment	43				
11-4170-395-00	Training		1,000			
11-4170-491-00	Dues & subscriptions		100			
	Total Expenditures	9,464	3,700			

Insufficient funds were budgeted for the second primary. There is HAVA (Help America Vote Act) funding to supplement the coding and layout of the ballots for the second primary. This budget amendment appropriates the HAVA funding and reduces other line items in the Elections budget to cover the costs of the second primary and general election.

BA 1213-042:		INCR	DECR			
GENERAL FUND:						
11-8200-183-00	Retiree health insurance		5,000			
11-8200-185-00	Unemployment		25,000			
11-4170-185-00	Unemployment	46				
11-4170-181-00	FICA		4			
11-4240-185-00	Unemployment	14,642				
11-4240-126-00	Part-time wages		1,556			
11-4310-185-00	Unemployment	6,645				
11-4310-181-00	FICA		708			
11-4320-185-00	Unemployment	10,768				
11-4320-181-00	FICA		1,144			
11-4381-185-00	Unemployment	1,467				
11-4381-183-00	Hospitalization		156			
	Total	33,568	33,568			
FIRE DISTRICT FUND:						
23-4340-185-00	Unemployment	399				
23-4340-213-00	Uniforms		399			
	Total	399	399			
EMS FUND:						
60-4370-185-00	Unemployment	6,371				
60-4370-185-00	FICA		1,800			
60-4370-182-00	Retirement		3,000			
60-4370-183-00	Hospitalization		1,571			
	Total	6,371	6,371			
<p>The unemployment charges have been posted in Central Services in the past. These are now being posted in the individual departments from which the charges were incurred. This budget amendment moves the \$25,000 Unemployment amount as well as an additional \$5,000 from Retiree Hospitalization, which is being under-utilized YTD, from the Central Services budget to the individual departments. The remaining budget needed to cover the invoice from ESC has been pulled from other salary/fringe line items in the individual departments and the uniform line item in the Fire District Fund.</p>						

BA 1213-055:		INCR	DECR			
11-3990-990-06	Fund balance approp-Coop Ext	2,575				
11-4953-448-00	4H Discretionary Pgm Exp	2,575				
<p>Appropriate funding received in prior year for 4H Discretionary program expenditures.</p>						

BA 1213-056:		INCR	DECR			
11-4268-601-00	Health Promotion		869			
11-9900-999-00	Contingency	869				

The expenditure for the Health Promotion Grant for the Senior Center was budgeted in the original budget in error before the grant was awarded. When the grant was received in October 2012, the revenue and expenditure for the grant were budgeted via budget amendment, thus, the expenditure was budgeted twice. This budget amendment corrects the expenditure portion of the grant and moves the excess into contingency.

BA 1213-057:		INCR	DECR			
41-3301-232-00	NC Dept of Agr. & Cons. Svcs. R	6,780				
41-4940-440-00	Stream debris removal	6,780				

The County was reimbursed by the NC Department of Agriculture and Consumer Services for stream debris removal for Hurricane Irene. This budget amendment appropriates the reimbursement and the charges for the debris removal.

Commissioner Kehayes moved to approve item c. Chairman Nixon asked for all in favor, the motion passed unanimously (7-0).

d. Fire Contracts

A contract between Chowan County and Center Hill Crossroads Fire Department and a contract between Chowan County and the Town of Edenton Fire Department are attached for Board consideration. The only revision to the previous update includes the language of the approved six mile fire district in Chowan County.

Commissioner Winborne asked if a press release has been made available to the public to notify them of the fire insurance district extension.

Chief Craig Forlines with Edenton Fire Department stated that it has been advertised and all carriers have been notified. He stated that on July 1, 2013 all insurance carriers are to publish the change.

Commissioner Smith moved to approve the contracts. Chairman Nixon asked for all in favor, the motion passed (7-0).

Recreation Facilities Agreement

Mr. Lamb presented the Board with an agreement as proposed by the Town of Edenton for the Board's consideration. He stated that approval of the agreement will transfer Town recreation facilities to Chowan County which are managed currently by the Recreation Department. He provided the Board with a history on the operations of the Recreation Department noting that in

2003 the County assumed all responsibility for funding of the Recreation program. He noted the agreement will transfer the properties in fee simple. He noted the language in the agreement that states that if the properties are sold, 100% of the sale proceeds would be placed in a Recreation Reserve Fund to be used towards new or existing Recreation facilities located either in the Town or the Town's ETJ.

Commissioner Winborne stated his concern with the language stating the location of future facilities.

Commissioner Mitchener moved to approve the agreement as presented noting one spelling error on the draft (Territorially to Territorial).

Chairman Nixon stated that if the properties are ever sold, the agreement does not state the county cannot use the funds to repair or upgrade existing recreation facilities in the Town.

Commissioner Winborne stated that property within the Town is more expensive. He stated that he felt the Board should consider this.

Being no further discussion, Chairman Nixon asked for all in favor, the motion passed (6-1 Winborne).

COA Heating System Upgrade

The Board will consider approval of allowing COA to utilize capital monies for the replacement of the existing boiler system at the COA campus (buildings 3 and 4). Mr. Lamb stated that the Board has been working with staff to replace a boiler system at COA. He stated that a contract with Armstrong & Son Heating and Air has been developed. He stated that this was the best deal for the County after the bids were received. He stated that the contractor can begin work within two weeks of being notified.

Mr. Lamb added that this project is budgeted over two fiscal years assuming that \$75,000 will be spent this fiscal year and next year \$75,000 will be taken from the \$200,000 capital outlay line, the County has previously committed to COA.

Chairman Nixon recommended that the Maintenance Director check to see if the contractor would offer a discount if the two phase project was done all at one time.

Commissioner Smith moved to approve the contract for the first building in the amount not to exceed \$75,000. Chairman Nixon asked for all in favor, the motion passed (7-0).

Mr. Lamb stated that if an additional discount is given he will bring the proposal back to the Board.

Well 5

Water Supervisor Nick Lories stated that at the previous work session he presented the Board with a plan for either repairing or replacing well 5. He stated that he recommends that the Board

replace Well 5 and utilize the funds from the water development fee. He stated the total cost of the project is \$58,740.

Commissioner Mitchener asked Nick to explain the reason for replacing the well to the public (noting this has been previously discussed by the Board in a work session).

Mr. Lories stated the well was drilled in 1977, he said the bottom of the casing has blown and the well is not operable. He stated that this has to be repaired or replaced. He stated that given the age of the well, he would recommend drilling a new well rather than repairing the existing well.

Commissioner Mitchener moved to approve the request to drill a new well and to use the funds from the water development fee to pay for the drilling.

The Board discussed the use of the funds for this project.

Mr. Lamb stated he felt this was an appropriate use of the water development fund.

Chairman Nixon stated that he was not in support of using the water development fee for the project but would prefer using the fund balance of the water fund.

Mr. Lamb stated that \$146,000 has been appropriated from the fund balance of the water department. He stated that the goal of the fund is to end up in the black, and while Chowan County Water Fund is unique in that it does not have debt, he prefers to end the year in the black.

Commissioner Bonner stated his support of being able to replace the well.

Being no further discussion, Chairman Nixon asked for all in favor, the motion passed (6-1 Nixon).

Surplus Property – Diagnostic Lab 1833 Paradise Road

Commissioner Winborne stated that the County has discussed the county owned property located at 1833 Paradise Road, Edenton, NC. He noted the property was declared surplus in September of 2012. He then made a motion to advertise the property for sale, with the bid to begin at tax value as recommended by the Planning and Enterprise Committee.

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

Recreation Department Office Relocation

Mr. Lamb stated that he along with staff have reviewed several options for relocation of the Recreation Offices at the former DF Walker Elementary School on Oakum Street. He stated that he recommends that the Recreation Offices be relocated to the Ag Extension Building. He stated he made this recommendation to the Planning and Enterprise Committee and it was recommended that this be put on the agenda for a vote of the full Board. He stated that there will be a savings in utilities at the former DF Walker two story building which is still occupied by the school technology offices and the DF Walker Alumni Association.

Commissioner Winborne asked if there would be any other savings.

Mr. Lamb stated that the County has made several repairs to broken windows because of vandalism in the area.

Recreation Director Jason Petersen spoke in favor of the relocation. He provided the Board with a summary of the pros and cons of each of the proposed locations for the Recreation Offices. He stated that the location at the Ag Extension Building ranked the highest in his survey. He noted there would be some minimal cost for technology to be moved in the building.

Commissioner Smith asked if the vandalism at the DF Walker Building would increase with reduced staff at the site.

Mr. Petersen stated that office staff is typically in the offices Monday through Friday from 8am to 5pm. He stated the gym at the facility is used during the evenings.

Commissioner Bonner stated he was familiar with the vandalism incidents at DF Walker. He asked if a security officer is patrolling the campus.

Mr. Petersen stated there is security now on the campus. He noted that there is not a safety issue on the campus as much as there is a vandalism problem.

Chairman Nixon stated he has reviewed the site. He provided a history on the efforts of COA to obtain Golden Leaf funds to rehabilitate the building adding that the application from COA was not selected. He added that long range planning includes the Edenton Police Department to vacate the Public Safety Center and there have been discussions about moving Ag Extension to the Public Safety Center. He stated that his survey of Recreation Departments has shown him that most Recreation offices are adjacent to a gymnasium. He asked if the Recreation Advisory Board made a recommendation on the location of the Recreation Offices.

Mr. Petersen stated the Board has discussed the move but has not taken official action on a recommendation.

Commissioner Mitchener moved to allow the Recreation Offices to relocate from the space at the former DF Walker Elementary School to the Ag Extension Building space formerly occupied by the Farm Service Agency (FSA).

Commissioner Smith stated that he has worked diligently to find an agricultural use for the vacant space at the Ag Building. He stated his efforts have been unsuccessful. He stated that with 4H being in the building, Recreation would be a good fit.

Commissioner Winborne stated that he would be in favor of the move, but noted that Recreation may have to move again in a few years if the Board decides to do something with the building.

Chairman Nixon asked for all in favor, the motion passed (6-1 Nixon).

Chairman Nixon called for a five (5) minute recess.

After five minutes Chairman Nixon called the meeting to order.

External Board and Committee Reports

Commissioner Mitchener provided a report on the activities of Destination Downtown.

Commissioner Lawrence provided a report on the activities of the COA Board.

Commissioner Winborne provided a report on the activities of the Planning/Enterprise Committee.

Chairman Nixon provided a report on the Albemarle Regional Health Services Board and the Tourism Development Authority.

Timely and Important Matters

Animal Shelter Budget Request

Commissioner Winborne stated that staff is working with finance to find monies within the shelter budget to maintain funding that expired for the part-time help at the Animal Shelter.

Mr. Lamb stated a budget amendment is needed to fund this position. He stated that staff has looked at donation monies to fund the staffing need. He stated there is a request to change the 30 hour position to two 19 hour positions with an additional cost of \$1500 for the remaining part of the year.

Chairman Nixon recommended that staff hold off on the budget amendment until the next Board meeting.

Health Concern at the Middle School

Commissioner Winborne asked if staff with the Board of Education could provide an update on a recent health concern at the Middle School.

School Superintendent Alan Smith stated that the school is working closely with Albemarle Regional Health Services and while there are matters that are confidential, the schools have been informed by the health department that there are no further requirements or steps to be taken by the schools regarding the situation.

Legislative Goals Request

Mr. Lamb stated that the Association of County Commissioners has requested that the Board approve a resolution in support of legislative goals as adopted by the NC Association of County Commissioners.

No action was taken by the Board on the request.

School Board Terms

Chairman Nixon stated that the Board will discuss a request of support of a proposed legislative change to shorten the School Board member terms to four (4) years from six (6) years. He then called for any public comment.

John Guard, 211 Wake Avenue and Board of Education Chairman read a letter into the record. A copy of the letter is in the meeting file labeled February 4, 2013. He stated his concern over the proposed request citing concerns over the seats on the Board becoming more political and concerns over time being limited for Board members to become educated on their role.

Rhonda Jordan 222 Country Club Drive requested an opportunity to speak again on the matter. She stated her continued support of the Board of Commissioners to request a legislative change to the term length of Board of Education members.

Chairman Nixon clarified that the Board of Commissioners does not have the authority to make a change in the terms, but could petition a legislative change in the General Assembly.

Chairman Nixon noted the Commissioners have received emails from Board of Education members Gill Burroughs and Ricky Browder. A copy of the letters are in the meeting file labeled February 4, 2013.

The Board discussed the legislative change which ended term limits of the Edenton-Chowan Board of Education.

Commissioner Kehayes stated that his survey of constituents showed a support of requesting a change in the length of the terms for the Board of Education. He asked if there was any public present that was not a Board member that supported 6 year terms.

Commissioner Winborne stated his support of a request to change the term limits. He stated he disagreed with the concern over politics being brought into the Board of Education races. He stated he felt that the Board of Education in their letter to the Commissioners did not give enough credit to the teachers for the work accomplished in the schools.

Commissioner Bonner stated that he felt the Board of Education is involved in the success of a school. He stated that he did not see the importance of reducing the term length of the Board of Education and added that if voters were satisfied with the work of the Board then they would re-elect the Board members every 4 or 6 years.

Commissioner Mitchener stated his support of the work of the Board of Education and stated that he supported the longer terms to allow the Board members to learn and build relationships with staff that benefits the entire education system.

Commissioner Smith stated that he is glad that the Board of Education election is non-partisan and felt that many elections should be run without party affiliation. He stated he did not see an advantage to a 6 year term. He stated that he surveyed many of his constituents and found that many were not aware of the length of Board of Education terms, but after finding out, all indicated that they agree the terms should be 4 years rather than 6.

Commissioner Lawrence stated that he felt the Board of Education term of office should not be longer than that of the President of the United States. He stated that he supported the request to reduce the term length.

Chairman Nixon stated that this topic has been brought up by the Board of Commissioners on several occasions. He stated that it has never been voted on because each time the General Assembly was in short session and did not want to impact the elections of the Board of Education that were in progress. He noted that a presentation to the Board of Education at their meetings shows only US Senators have a 6 year term. He stated that no County or Municipal Board have 6 year terms and of the 115 school districts, now only 3 have 6 year terms. He stated his constituents have voice their support of reducing the terms to 4 years. He stated the only support he has received for 6 year terms was from Board of Education members. He stated that regardless of the term limit the people will have the final say at election time regarding the performance of any elected official. He stated he hoped his decision to support the request would not impact the working relationship of the County and the Board of Education in the future and stated his decision was what he felt is best for the people of Chowan County.

He asked if there was any further public comment, there was none.

Commissioner Winborne moved to send a letter to Representative Bob Steinburg requesting that the General Assembly pursue a change in legislation to reduce the Edenton-Chowan School Board terms from 6 years to 4 years.

Chairman Nixon asked for any further discussion, there was none. He asked for all in favor, the motion passed (5-2 Bonner, Mitchener).

Closed Session

Commissioner Mitchener moved that the Board go into closed session in accordance with NCGS 143-318.00(6). Chairman Nixon asked for all in favor, the motion passed (7-0).

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 (7-0).

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

D. Keith Nixon, Chairman

Susanne Stallings, Clerk