

**Regular Meeting
Monday March 4, 2013**

**4:00pm
Dinner
Ag-Extension Building
730 North Granville Street
Edenton, NC**

Prior to the Board meeting, Board members attended a dinner to receive the annual report from the Soil and Water Conservation Office.

**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, March 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 Bonner provided the invocation.

Chairman Nixon proposed that two budget amendments be added to the agenda. Commissioner Mitchener moved to approve the agenda as submitted with the additional budget amendments. Chairman Nixon asked for all in favor, the motion passed (7-0)

Public Comment

Chairman Nixon opened the floor to public comment, there was none.

Consent agenda

a. Tax Release and Collector's Report

Badders, B.	\$ 151.34	SITUS – Perquimans Co
Castpa LLC	\$1509.69	Reduced value due to wetland
Ean Holdings	\$ 100.48	Billed through gross receipts
Hunter SI, S.	\$ 109.91	Vehicle Repossessed
Matthews, K.	\$ 103.19	SITUS – Perquimans Co.

b. Approval of Minutes

Attached are the minutes of the February 4, 2013 and February 19, 2013 meetings for Board consideration.

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

c. Budget Amendments

<u>BA 1213-058:</u>		INCR	DECR			
11-3438-894-00	Donations	2,000				
11-4381-126-00	Part-time wages	1,370				
11-4381-191-00	Vet contract		1,370			
11-4381-600-00	Donations expense	2,000				
		3,370	1,370			

One part-time position at the Animal Shelter was extended through June 30, 2013. Funding was covered by paying part of the vet contract with donations revenues. The appropriation of the additional donations revenues is also included herein.

11-3438-891-00	Perquimans County reimb		3,502			
11-3438-891-00	Gates County reimb		2,956			
11-3438-896-00	Shelter admin fees		152			
			6,610			
11-9900-999-00	Contingency		6,610			

Adoption fees, donations, and miscellaneous revenues reduce the allocated expenditures for the three counties in the Animal Shelter budget, and the related admin fees from Gates and Perquimans counties. When the budget amounts for these three revenues are amended, this results in a change in the budgeted amounts due from Gates and Perquimans counties. These adjustments are posted through the Contingency line item. Previous amendments for the Animal Shelter have added \$15,357 to Contingency this year. The reduction in the reimbursements from Gates and Perquimans counties reduces the amount put into Contingency earlier this year.

BA 1213-059:		INCR	DECR			
11-4330-121-00	Salary	2,063				
11-4330-181-00	FICA/Med tax	142				
11-4330-182-00	Retirement	139				
11-4330-184-00	Supplemental retirement	103				
11-4310-122-00	Overtime		2,063			
11-4310-181-00	FICA/Med tax		142			
11-4310-182-00	Retirement		139			
11-4310-184-00	Supplemental retirement		103			
		2,447	2,447			

With the change in the 911 Director position, additional funding is needed for salary/fringe costs that will occur in the Emergency Management Department. The position is 50/50 split between 911 and Emergency Management. Overtime that was being paid in the Sheriff's Department will no longer be realized, therefore, the funding is being moved to the EM Department. The 911 Director position was already budgeted in Central Communications. There is lapsed salary funding in 911 to cover the remainder of the year.

BA 1213-060:		INCR	DECR			
11-3616-535-00	Donations-fitness room	1,420				
11-4268-351-00	Building repair & maintenance	1,420				
Appropriation of additional donations for fitness room improvements.						

BA 1213-061:		INCR	DECR			
11-3616-535-00	Donations-fitness room	1419				
11-4268-351-00	Building repair & maintenance	1419				
Appropriation of additional donations for fitness room improvements.						

BA 1213-062:		INCR	DECR			
23-4340-351-00	R & M-Bldg	5,000				
23-4340-126-00	Part-time wages-firemen		5,000			
Requested by Center Hill Fire Department to cover the cost of the natural gas conversion.						

BA 1213-063:		INCR	DECR
11-3495-375-00	United Way	1,125	
11-4953-445-00	United way	1,125	
Appropriate United Way funding received thorough 1-15-13			
BA 1213-064:		INCR	DECR
12-3980-980-11	Transfer from General Fund	103,631	
12-9800-980-30	Transfer to Debt Service Fund	103,631	
11-9800-980-12	Transfer to DSS Fund	103,631	
11-9800-980-30	Transfer to Debt Service Fund		103,631
30-3980-980-11	Transfer from General Fund		103,631
30-3980-980-12	Transfer from DSS Fund	103,631	

DSS will be able to claim the 5-31-13 debt service payment for its building directly from the State. This amendment revises the debt service funding to be transferred from the DSS fund (as provided by the General Fund) rather than from the General Fund. The reimbursement from the State will be received in June 2013, rather than from the Indirect Costs calculated at year-end.

The Board discussed the amendments. Commissioner Winborne moved to approve item C with corrections and additions. Chairman Nixon asked for all in favor, the motion passed (7-0).

Tax

Mr. Lamb stated that Mr. Kepley could not be present at the meeting. He provided the Board with a list of the 2012 tax liens and a request to advertise tax liens in April of 2013. Additionally Mr. Lamb provided the Board with a summary of year to date collections for the tax office.

Being no further discussion Commissioner Mitchener moved to accept the liens and to approve advertisement of the liens in April 2013. Chairman Nixon asked for all in favor, the motion passed (7-0).

Recreation Grant Pre-Application (Pembroke Creek CAMA Public Access)

Recreation Director Jason Petersen provided the Board with a copy of a grant pre-application from the Recreation Department to CAMA for repairs to the Pembroke Creek Park. He stated that this project was presented to the Board at the February worksession. He stated that since the meeting, the application was presented to the Tourism Development Authority (TDA). He stated that the TDA has agreed to provide \$4,000 in funds to be applied to the County match for the grant. He stated the required match is \$14,000 which leaves \$10,000 for the County to match. He noted some changes in the proposed plan to include creation of two 50' piers, extension of the bulk head. He stated this will create savings as previously estimated costs would be more. He stated the County would receive \$188,000 from CAMA if the grant is approved.

Town Manager Anne-Marie Knighton spoke in support of the grant application.

Mr. Petersen stated the Town has been helpful in volunteering resources for cleanup of the existing park.

Commissioner Mitchener moved to approve the grant application with a county match of funds not to exceed \$10,000. Chairman Nixon asked for all in favor, the motion passed (7-0).

EMS Billing Contract Renewal

Mr. Lamb stated that the budget ordinance requires that contracts that exceed \$50,000 are required to come before the Board of Commissioners for approval. He stated that he has reviewed the contract and has made some changes regarding the state of Governing Law to be North Carolina rather than South Carolina.

EMS Director Colin Ryan stated that the contract previously charged 7% fee of collections. He stated he was able to negotiate the amount down to 6.5%.

Mr. Lamb added that the company is providing the County with three new computers.

Commissioner Winborne asked Mr. Ryan to describe his working relationship with the company.

Mr. Ryan stated they are always helpful and are quick with response. He stated he speaks with the billing clerk on a regular basis.

Mr. Lamb noted that electronic billing is more efficient with regards to collections and the reduction of errors in keying.

Commissioner Smith moved to accept the contract with the manager's review/revisions. Chairman Nixon asked for all in favor, the motion passed (7-0).

Mental Health Board Membership Resolution

Commissioner Kehayes provided the Board with information on proposed legislation to limit the Board membership for Mental Health Boards. He stated that the East Carolina Behavioral Health Board covers 19 counties. He stated the new law would not allow every county member of the LME to have representation on the Board. He stated he has provided the Board with a proposed resolution to request consideration for counties of area Boards to be exempt from that law.

The Board reviewed the proposed resolution and made recommendations for changing the language.

Commissioner Kehayes moved to approve the resolution with all recommended changes. Chairman Nixon asked for all in favor, the motion passed (7-0).

Resolution
Urging Members of the North Carolina General Assembly
and Governor McCrory
Concerning the Appointment of Board Members to the LME Board

WHEREAS, Senate Bill 191 has been approved and passed into law in the 2012 session of General Assembly; and

WHEREAS, Chowan County urges that the new membership rules for the Boards of Local Management Entities (LMEs) must include the designation of one County Commissioner from each of the nineteen (19) participating counties comprising the EAST CAROLINA BEHAVIORAL HEALTH and limits the total membership to twenty-one (21) members with most of the members having to be representative of a specific occupation or group; and

WHEREAS, these new requirements have to be implemented by October 2013; and

WHEREAS, the General Assembly has the authority to review and modify these requirements in the current Session, understanding that counties and the State have a vested interest and obligation to provide adequate mental health services and oversight to our citizens in a responsible and realistic way.

NOW, THEREFORE, BE IT RESOLVED that the Chowan County Board of Commissioners request that any LME which represents ten (10) counties or more be given the option of increasing their Governing Board to a maximum of thirty (30) voting members. This would ensure that each county has the ability to appoint a Commissioner or their designee to the LME Board. This increased size would also permit the appointment of individuals with the additional background and expertise required in SB 191; and

BE IT FURTHER RESOLVED that copies of this resolution be sent to the Governor, the Secretary of the NC Department of Health and Human Services, the leadership of the North Carolina General Assembly, and the House and Senate Members of the General Assembly representing the EAST CAROLINA BEHAVIORAL HEALTH LME catchment area.

This the 4th day of March, 2013.

Planning/Enterprise Committee Items

Commissioner Emmett Winborne provided the Board with information from the Planning and Enterprise Committee and the following recommendations:

- Edenton Historical Commission Request
The Planning/Enterprise Committee recommends that the Board grant a request from the Edenton Historical Commission to take the lead of exploration of future uses for the Historical Jailers House and Historic Jail.

Mr. Jerry Climer, 100 Hardys Hill Lane Edenton stated that the Commission would like the former Jail and Jailers House to become historic attractions in Edenton. He requested a couple of months to review the buildings and their conditions. He stated that after reviewing the properties he would provide a report or recommendation to the Board of Commissioners.

Commissioner Winborne moved to allow the Edenton Historical Commission to investigate uses for the properties and report them back to the Board of Commissioners. Chairman Nixon asked for all in favor, the motion passed (7-0).

- 1979 Detention Center Future Needs Planning

The Planning/Enterprise Committee recommended that the full Board vote on a plan of action addressing the needs of the Detention Center.

Mr. Lamb provided the Board with a history on the negotiations between Chowan County and Albemarle District Jail (ADJ) to use the ADJ facility for housing Chowan County Inmates. He stated that the Board offered ADJ \$50 per inmate per night and the offer was rejected and countered at \$68 per inmate per night. He stated another option to address the needs at the jail is to construct a new jail. He stated rough cost estimates for a new jail start around \$4.5 million. He stated another option is to perform major renovations at the current jail. He stated that staff is not prepared to make a recommendation however he recently spoke with an ADJ Board member who indicated the County should make ADJ another offer.

The Board discussed various options for the county to pursue.

Commissioner Winborne stated that the Board should discuss the matter at a worksession.

Chairman Nixon stated that the Board has been discussing the matter for over year. He stated he felt the County should look at addressing some needs at the jail in the next fiscal year budget. He stated that he felt the county should talk with Gates County to see if they were willing to partner again on the Chowan County Jail.

- Former County Office Building (Hotel Hinton)

The Planning/Enterprise Committee has recommended that the Board discuss a plan to market the County Office Building.

Commissioner Winborne stated that the Committee does not have a recommendation on the future of the former County Office Building. He stated that the Committee agrees that the Board should appoint an organization to be the lead for marketing the building.

Chairman Nixon noted that several organizations have presented to the Board including Preservation North Carolina (PNC), Destination Downtown (DD) and Edenton Chowan Partnership (ECP).

Commissioner Winborne asked the Board to share their individual thoughts on who should be the lead.

Commissioner Lawrence stated he felt all three organizations would do a great job in marketing the building.

Commissioner Mitchener stated that he felt DD would be a great lead agency. He stated the DD Board has already taken initiative on the building by speaking with organizations and developers who rehab structures.

Commissioner Kehayes asked if any organization was not willing to work with other organizations.

Commissioner Mitchener stated that he felt all agencies are willing to work together.

Commissioner Kehayes stated he felt PNC was the best agency to take the lead on marketing the building. He stated that this is what PNC does is market historic buildings for sale and rehabilitation. He stated he felt the ECP and DD have many other projects going on but would be great in assisting a lead agency.

Commissioner Bonner stated he felt all three agencies would work together great. He suggested allowing the three to work together and decide who among them would take the lead.

Commissioner Smith stated that he felt all three agencies should work together. He stated he felt PNC should be the lead organization for the first year. He stated that he felt the other two groups should work with PNC also. He stated that because the law allows the Edenton Preservation Commission to delay demolition permits for one year, he felt the County should apply for a demolition permit. He stated this would allow PNC 12 to 16 months to begin marketing the building and if after that time there are no leads, the County could look into the possibility of demolishing the building. He stated that he does not want the County to demolish the building, however the condition of the building may require demolition. He stated he also would like to see members of the community involved in the process of marketing the building. He recommended developing a committee or taskforce comprised of private individuals, PNC, DD and ECP along with County and Town leadership.

Chairman Nixon stated that all the groups are necessary in marketing the building. He stated that he serves on the ECP Board and Commissioner Mitchener serves on the DD Board. He stated that he felt the County needs to do what is best for its taxpayers. He stated he felt PNC has the best resources to market the building if it is going to be saved. He stated that he would recommend PNC as the lead agency to list the property for sale. He stated he supports the idea of forming a committee to allow the other agencies to work with PNC. He recommended that the Town Manager and County Manager be a part of the committee.

Commissioner Winborne stated that after much thought he thinks the county should begin moving to market the building. He moved to allow the manager to initiate a contract between Chowan County and PNC to allow PNC to market the property. He stated his motion would include stipulations to allow PNC one year to market the building and also apply for a demolition permit from the Edenton Preservation Commission, to form a committee comprised of PNC, DD, ECP and the Town and County Managers (to serve ex-officio) with 5 persons from the general public.

The Board discussed the contents of the motion including a timeline on demolition and membership of the committee. The Board also discussed the laws around length of time that a demolition permit is good after its issuance.

Town Manager Anne-Marie Knighton stated that she would have to research the laws around the lengths that permits are good after issued for demolition. She noted that the law allows the

Preservation Commission to put a one year hold on a demolition permit but she was not sure how long the permit is good for after that one year hold.

Chairman Nixon passed the gavel to Vice Chairman Smith to participate in the debate.

Chairman Nixon stated he felt the directors of the ECP, DD and PNC should be members of the committee. He stated the Board of Commissioners should appoint all the members including the general public. He stated that he felt the County should wait until July 2013 to apply for a demolition permit from the Preservation Commission. He stated that he felt if there was a lead for the sale of the building the County would not pursue demolition.

Commissioner Winborne withdrew his motion.

Mr. Lamb stated he felt the motion should be in three parts 1. Appointment of lead agency 2. Demotion application time line and 3. Committee appointment.

The Board decided by consensus to discuss demolition and committee appointment at a later meeting.

Commissioner Winborne moved to engage Preservation North Carolina (PNC) as the lead agency in marketing the Hotel Hinton (Former County Office Building). Chairman Nixon asked for all in favor, the motion passed (7-0).

Generators for Wells

Commissioner Winborne stated the Planning and Enterprise Committee has reviewed uses for generators donated by Verizon. He stated the generators would not work for DSS and that the water Department has indicated in interest in using the generators at the wells.

Commissioner Winborne moved to turn over the two generators to the Water Department for use on the wells. Chairman Nixon asked for all in favor, the motion passed (7-0).

External Board and Committee Reports

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

Commissioner Lawrence reported on the activities of the COA Board.

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

Chairman Nixon reported on the activities of the Health Department Board.

Board Appointments

Senior Tar heel Delegate

Chairman Nixon noted that it is recommended that Glorious Elliott be appointed as Chowan County's Senior Tar heel Delegate.

Commissioner Lawrence moved to appoint Glorious Elliott. Chairman Nixon asked for all in favor, the motion passed (7-0).

County Planning Board

Chairman Nixon noted that the vacancy for the planning Board has been advertised since 2010. He stated that four applications have been received. He noted that in the past the Board appointed applicants who lived in the general area of the county of the previous member. He added that the Board has been provided with a color coded map to show the residency of the applicants as well as the area of the vacancy.

Commissioner Smith moved to appoint Robert “Bobby” Winborne.

Commissioner Winborne disclosed this was his brother and asked if the Board felt there was a conflict in him voting on the appointment.

After the discussion, there was not a motion to recuse Commissioner Winborne from voting. Chairman Nixon asked for all in favor, the motion passed (7-0).

Voluntary Ag District

Attached are applications from three members requesting reappointment to the Voluntary Ag District Board.

Commissioner Smith moved to re-appoint JC Forehand, Curtis Byrum II and Johnny Layton. Chairman Nixon asked for all in favor, the motion passed (7-0).

Tourism Development Authority

Chairman Nixon noted that there are three applications for the vacancy of Seat #8 of the TDA. He stated that the general statues that establish the TDA require that Seat #8 be an individual that is involved in the promotion of travel and tourism.

Commissioner Mitchener moved to appoint Katy Ebersole to Seat #8 of the TDA. Chairman Nixon asked for all in favor, the motion passed (7-0).

Timely and Important Matters

Board Clerk Susanne Stallings noted that she will be scheduling ethics training for the Board members who are due for certification.

Chairman Nixon requested that the Manager schedule a budget work session. Board Clerk Susanne Stallings will poll the Board to determine a date.

EMS Director Colin Ryan stated he is working on negotiations on a ambulance purchase and stated he will bring the information to an upcoming work session.

Being no further business before the Board, by a motion of Commissioner Mitchener, and unanimously approved, the meeting was adjourned.

D. Keith Nixon, Chairman

Susanne Stallings, Clerk