

Special Meeting
Monday October 19, 2015
4:45 pm
Chowan County Agriculture Center
730 North Granville Street
Edenton, NC

MINUTES

The Board attended the annual report from Extension at the Chowan County Ag Center. Dinner was served at 4:45pm. County Cooperative Extension Service staff provided the annual report which is the annual review of programming efforts and impacts for the Chowan County Center of North Carolina Cooperative Extension.

Regular Meeting
Monday, October 19, 2015
Chowan County Public Safety Center
305 West Freemason St.
Edenton, NC
6:00pm

Present: Chairman Jeff Smith, Commissioners Keith Nixon, Greg Bonner, Alex Kehayes, Emmett Winborne, John Mitchener and Ellis Lawrence.

Staff present: County Manager Kevin Howard, Finance Officer Willie Carawan, County Attorney Lauren Arizaga-Womble and Clerk Susanne Stallings.

Regular Meeting

Chairman Smith called the regular meeting to order and led all in attendance in the pledge of allegiance. Commissioner Mitchener then offered the invocation.

Approval of Agenda

Chairman Smith noted an amendment to the agenda to add under appointments “nursing home advisory committee”. Commissioner Nixon moved to approve the agenda. Chairman Smith asked for all in favor, the motion passed unanimously (7-0).

Public Comment

Chairman Smith then opened the floor to public comment in accordance with NCGS 154A-52.1.

George Grother 400 East Queen Street Edenton, NC urged the Board to consider the size of the proposed project. He cited his experience with a windfarm in Vermont and information on a military tower where the clutch failed and the tower burned up. He urged the Commissioners to get all the information on the project.

Lucille Pesceovich 212 Mulberry Hill Lane stated that hundreds of citizens have come forward requesting more stringent protections from the wind turbines. She stated she was not an expert and asked if the Board were experts. She stated that Dr. Kehayes is familiar with medical studies and the Board ignored him. She stated the Commissioners chose to disagree with him and the World Health Organization. She stated Board members said they

had a clear conscience and another said they visited a turbine. She stated it was ok for the Board to admit they made a mistake in 2013 and see evidence and reevaluate their decision.

Lin Bond 662 Virginia Road stated he sent a letter to the County Attorney inviting the Board to attend a movie entitled “Windfall” that shares experiences from a New York windfarm. He stated the Commissioners would learn that the result of these farms is a net loss in revenue to the County not a gain. He stated the movie would include a question and answer session from John Droze from Morehead City. He stated that the Board attending this movie would prove they are not bias in their viewpoint.

Amelia Bond 662 Virginia Road stated she was thankful for the town and it would no longer be beautiful with 600’ wind turbines. She stated the speaker is a physicist and urged the Board to come hear factual information on how the turbines will result in a loss of \$3 million to the County.

Robert Kirby 286 Whites Landing Road shared information from an article in “County Compass” where the public hearing held in Perquimans County drew a large crowd. He read the article sharing how many people attended and the majority spoke in favor of a moratorium. He stated that all in attendance spoke passionately about the project. He stated that a speaker said that those that support the wind project have no stake in the County.

Rick Howard 209 Lakeside Drive Edenton stated that he has been a resident of Chowan County for 12 years. He commended the Board for their work stating they cannot please everyone. He shared his history of his work background in engineering of a power plant. He stated that engineers often lack a common sense approach. He stated he supports wind turbines and stated he visited some in Costa Rica but they were not 600’ tall. He urged the Board look into why the company chose Northeast North Carolina. He stated the project is not good for the County.

1. Consent Agenda

All items on the Consent Agenda are considered to be routine and may be enacted by one motion. If a County Commissioner requests discussion on an item, the item will be removed from the Consent Agenda and considered separately.

Chairman Smith then presented the Consent Agenda.

a. Budget Amendments

BA-1516-010

Account Code	Description	Old	+ or (-)	New
EMS - Ambulance:				
33-3990-990-00	Fund Balance Appropriation	(508,561.04)	(100,000.00)	(608,561.04)
33-4192-016-03	Shepard - Stablization	-	31,529.00	31,529.00
33-4192-016-04	EMS - Bay Ceilings	-	20,038.00	20,038.00
33-4192-016-06	EMS - Flooring	-	5,000.00	5,000.00
33-4192-016-07	EMS - Bay Heaters	-	5,000.00	5,000.00
33-4192-016-08	NCCC - Mold Removal	-	25,000.00	25,000.00
33-4192-016-09	Courthouse - Ext Painting	-	6,725.00	6,725.00
33-4192-016-10	PSC - Sealing Asphalt	-	6,708.00	6,708.00
EMS - Ambulance:				
11-3990-990-00	Fund Balance Appropriation	(390,850.89)	(57,000.00)	(447,850.89)
11-9800-980-60	Transfer to EMS	434,877.06	57,000.00	491,877.06
60-3980-980-11	Transfer from General Fund	(434,877.06)	(57,000.00)	(491,877.06)
60-4370-550-00	C/O - Vehicle	-	57,000.00	57,000.00
		Balanced:	(899,411.93)	(899,411.93)
Justification:				
<i>Per the 10/05/15 Board of Commissioners mtg, this is the Manager \$100,000 Project List for FY'16 / EMS Ambulance appropriation (HB44)</i>				

BA-1516-011

Account Code	Description	Old	+ or (-)	New
61-3990-990-00	Fund Balance Appropriation	(248,023.34)	(25,000.00)	(273,023.34)
61-7120-443-00	Contr Svcs - SOC	-	25,000.00	25,000.00
		Balanced:	(248,023.34)	(248,023.34)
Justification:				
<i>Establishing and appropriating monies to address NCDENR concerns</i>				

Also attached is MBA 1516-009, 1516-010 and 1516-011 as FYI

Commissioner Mitchener moved to approve the budget amendments as presented. Chairman Smith asked for all in favor, the motion passed unanimously (7-0).

b. Pre-paid credit card policy

The Finance Officer will request that the Board consider a policy for pre-paid credit cards.

Pre-Paid Credit Card Policy

Chowan County has received approval from its auditors, Martin – Starnes, to use a “Pre-Paid” credit card for certain state agencies and their local discretionary monies. The following policies shall apply when using these cards:

- The County Manager shall approve the PURCHASE of all pre-paid credit cards.
- Agency Director / Department Head must sign an agreement stating they have read and will adhere to the adopted policies prior to use of the pre-paid credit card.
- *A signed copy of the PRE-PAID Credit Card Compliance Agreement must be on file with the Finance Office prior to issuance or use of card number.*
- Director / Department Head is responsible for the safekeeping of the pre-paid credit card that has been issued on their behalf and must not permit unauthorized individuals the use of them.
- *The Finance Officer will establish a “Misc Pre-paid” expense line within the Agency’s department for the purchase of the Pre-paid Credit Card.*
- Charges for personal expenditures shall be prohibited.
- Charges for spouses or family members are prohibited.
- Alcoholic beverages, movies and other personal entertainment are prohibited.
- *Detailed receipts are required along with the signed charge copy. The Agency Director must reimburse the County for charges turned in without detailed receipts.*
- The Finance Office must be granted access to the card’s balance for monthly reconciliation. ALL correspondences regarding said credit card are to be mailed/submitted to the Finance Office.
- A designated Agency staff member and the Finance Officer will reconcile credit card balance with the detailed signed receipts and appropriate account code.
- The pre-paid credit card does not circumvent the purchasing process.

Mr. Carawan noted the policy mirrors the existing credit card policy. He noted this is proposed for employees in Extension that are a state agency but utilize County monies. He stated this policy was recommended by the auditor.

Commissioner Bonner moved to approve the policy as presented. Chairman Smith asked for all in favor, the motion passed unanimously (7-0).

c. Tax Collectors Report Attached

Commissioner Bonner moved to accept the Tax Collectors report as presented. Chairman Smith asked for all in favor, the motion passed unanimously (7-0).

Chowan County CTP (Community Transportation Plan)

Vernia Wilson DOT Project Engineer provided the Board with a PowerPoint presentation of the Chowan County Comprehensive Transportation Plan and a resolution of adoption. A copy of the maps and PowerPoint is in the meeting file labeled October 19, 2015.

Angela Welsh with the Albemarle RPO stated the plan is a 30 year vision. She stated no funding has been committed to the plan. She stated the plan will be forwarded to the RPO for DOT to consider.

Commissioner Mitchener discussed the bond proposed by Governor McCrory.

Commissioner Nixon moved to adopt the plan maps and resolution. Chairman Smith asked for all in favor, the motion passed unanimously (7-0).

For Chowan County, North Carolina

WHEREAS, Chowan County and the Transportation Planning Branch, North Carolina Department of Transportation actively worked to develop a comprehensive transportation plan for Chowan County; and

WHEREAS, the County and the Department of Transportation are directed by North Carolina General Statutes 136-66.2 to reach agreement for a transportation system that will serve present and anticipated volumes of traffic in the County; and

WHEREAS, it is recognized that the proper movement of traffic within and through Chowan County is a highly desirable element of the comprehensive plan for the orderly growth and development of the County; and

WHEREAS, after full study of the plan, and following a public hearing held by Chowan County, the Chowan County Board of Commissioners feels it to be in the best interest of the Chowan County to adopt a plan pursuant to General Statutes 136-66.2;

NOW THEREFORE, BE IT RESOLVED: that the Chowan County Comprehensive Transportation Plan be approved and adopted as a guide in the development of the

transportation system in Chowan County and the same is hereby recommended to the North Carolina Department of Transportation for its subsequent adoption.

ADOPTED, this the 19th day of October 2015.

Library Board

Chairman Smith stated that the Board of Trustees of the Library has provided the Commissioners with a copy of their adopted by-laws for the Board's consideration and approval.

Ms. Womble recommended that the statement "Gender and ethnicity of the nominees" be struck.

Librarian Jennifer Finlay stated she was fine with that change.

Commissioner Winborne moved to approve the amended bylaws. Chairman Smith asked for all in favor, the motion passed unanimously (7-0).

Shepard-Pruden Memorial Library Board of Trustees Bylaws

Article I - Name

The name of this organization shall be: Shepard-Pruden Memorial Library Board of Trustees hereafter referred to as SPML Board of Trustees.

Article II - Purpose

The purpose of this organization shall be to support quality public service to the citizens of Chowan County as well as to act as an advisory board and as a liaison between the library, local government and the community.

Article III - Membership

In accordance with Article 14, Chapter 153A-265 of the General Statutes of North Carolina, the SPML Board of Trustees shall consist of not less than six and not more than twelve members. Trustees shall be appointed by the Board of County Commissioners with recommendations made by the SPML Board of Trustees. When doing so, the Board of Trustees shall consider the township of residency, ~~gender and ethnicity of the nominees~~. Nominees shall be submitted thirty (30) days prior to the effective date of the appointment. The Board of Commissioners shall not be obligated to make appointments from the list of nominees.

- The terms of appointment shall be for three (3) years staggered so that no more than two (2) memberships expire each year. A year shall be defined as July 1 - June 30.
- A trustee may not serve more than three (3) consecutive terms.

- Trustees shall be volunteers and shall not receive compensation for their service.
- In accordance with Article 14, 153-A-265 of the General Statutes of North Carolina, the Board of County Commissioners may remove a trustee at any time for incapacity, unfitness, misconduct, or neglect of duty.

Article IV - Officers

Officers of the Board shall be elected for a two-year term at the annual meeting of the SPML Board of Trustees in even years, and shall be as follows:

- Chair. The Chair shall preside at all meetings, appoint all committees, authorize calls for any special meetings, and generally perform the duties of a presiding officer.
- Vice-Chair. The Vice-Chair shall serve in the absence of the chair, assuming such duties as appropriate.
- Secretary. The Secretary shall keep a true and accurate account of all proceedings of the Board meetings; shall issue notices of all regular meetings, and by authorization of the Chair, of all special meetings; shall have custody of the minutes and other records of the Board. A copy of all minutes shall be kept on file in the Shepard-Pruden Memorial Library, and at the Regional Office.
- Treasurer. The Board approves the disbursement of the Shepard-Pruden Memorial Library Board of Trustee funds, which will then be presented to the Pettigrew Regional Library Finance Officer for payment. A financial report shall be given at each Board meeting and a record of all transactions shall be provided, to the Treasurer, by the Pettigrew Regional Library Finance Officer.

Article V - Meetings

The SPML Board of Trustees shall meet quarterly. Those meetings shall be held on the second Tuesday of January, April, July, and October at 5:30pm at the SPML

- The annual meeting shall be held at the time and place of the regular July meeting.
- Special meetings may be called by the Chair, or upon written request of a Board member, for the transaction of business stated in the call for a meeting.
- Notice of all meetings shall be mailed by surface or electronic mail by the Secretary to all members at least five(5) days before the meeting date.
- A Trustee who has been absent, without excuse, from two consecutive meetings shall be considered vacant. An absence shall be considered excused if either the Chair or, in the absence of the Chair, the Secretary has been notified.
- The rules contained in *Robert Rules of Order*, latest revised edition, shall govern the parliamentary procedure of the meetings, in all cases in which

they are not inconsistent with these bylaws and any statutes applicable to this Board.

Article VI - Committees

- Special ad hoc committees for the study and investigation of special projects or concerns may be appointed by the Chair. Such committees will serve until completion of the project or concern for which they were appointed.
- A nominating committee shall be appointed by the Chair three (3) months prior to the annual meeting. The committee shall present a slate of officers at the annual meeting.
- Three members of the SPML Board of Trustees shall serve on the Pettigrew Regional Library Board. Members of the Pettigrew Regional Library Board will be appointed from the membership of the local advisory library boards by each Board of County Commissioners. In accordance with the **Regional Agreement** between Chowan County and the Pettigrew Regional Library no member will be appointed to more than two consecutive terms, and no single term will be longer than six years.

Article VII - Voting

- A quorum for the transaction of business shall consist of half the Board's membership plus one.
- Any trustee who has a conflict of interest concerning a matter before the Board, shall inform the Chair before participating in discussion and shall refrain from voting on the matter if deemed necessary.
- With the exception of the Chair, every Trustee has a duty to vote. No member shall be excused from voting except on matters involving his or her own financial interest or official conduct. In all cases, a failure to vote by a Trustee who is physically present shall be recorded as an affirmative vote. The Chair shall cast the tie breaking vote when the vote of all Trustees present results in a tie.

Article VIII - Amendments

The Bylaws may be amended at any regular meeting of the SPML Board of Trustees by a two-thirds vote of those voting, a quorum being present in accordance with Robert Rules of Order (current issue), provided the amendment(s) has been stated in the call for the meeting.

Appointments

Library Board

Chairman Smith opened the floor for nominations of appointment to the Library Board.

Commissioner Nixon nominated Marie Perry.

Commissioner Kehayes nominated Carlette Pruden.

Commissioner Winborne moved to close the floor for nominations and accept both nominees. Chairman Smith asked for all in favor, the motion passed unanimously.

Commissioner Mitchener moved to reappoint Haywood Coston to the Library Board. Chairman Smith asked for all in favor, the motion passed unanimously (7-0).

Former DF Walker School Study Committee

Commissioner Bonner stated the Alumni Association has provided several names, and he would recommend the association met and narrow their list down to two candidates.

Chairman Smith stated that he would like COA to appoint two (2), Town to appoint two (2), Board of Commissioners (2), Alumni (2) and any others.

Commissioner Nixon suggested looking at Recreation and the Edenton Chowan Schools.

Chairman Smith stated he would table this matter for the next meeting.

Nursing Home Advisory Board

Chairman Smith explained this position has been advertised for over 6 months. He noted there is strict criteria for the appointment of a Board member. He stated that the nursing home committee has recommended the appointment of Vickie Blanchard.

Commissioner Nixon moved to appoint Vickie Blanchard. Chairman Smith asked for all in favor, the motion passed unanimously (7-0).

Department Store/General Variety Text Recommendation

Planner Elizabeth Bryant stated that at the last meeting she was asked to provide the Board with a recommendation on how to proceed with text regarding department/general variety in the business and agricultural zoning districts. She stated that she recommends the Board repeal the language of the previous text amendment and require a review Special use Permit and conditional use permit (SUP and CUP) for the B1 and B2 districts. She stated that if the Board chooses to repeal its previous text amendment it would still allow commercial uses under the A1 zoning district. She stated that properties could request conditional use rezoning.

Commissioner Kehayes stated his concern with more stringent requirements in the B1 and B2 districts. He stated these are already zoned commercial. He stated he did not see the benefit of the Business zoning classification.

Ms. Bryant stated that this is two parcels near the airport.

Ms. Bryant stated this would give neighboring residential properties the highest level of review.

Commissioner Mitchener asked for examples of other uses by right in the business zoning district.

Ms. Bryant read from the table of permitted uses. She stated that her concern was that the burden of review should not be placed on staff and she feels that elected officials and the Planning Board should review these applications. She stated she felt neighbors should have the opportunity to be notified of public hearings and express their concerns.

Commissioner Nixon and Ms. Bryant discussed the 10,000 and above CUP requirement and the 9,999 and below requirement for an SUP. He stated he is fine with leaving B1 and B2 as they are.

Ms. Arizaga-Womble discussed the public hearing requirements for a text amendment or repealing the text if that is what the Board chooses to do.

Commissioner Bonner asked what the Town requires.

Ms. Bryant stated the Town has more stringent requirements than the County. She stated the Town has a “harmony” requirement where the County can only look at health, safety and welfare. She stated nothing past a Technical Review Committee could be required for this use.

Commissioner Bonner stated he felt the Board should consider the size of the building.

Commissioner Kehayes stated he did not see the rationale for the business zoning in the area it is currently located.

Commissioner Nixon stated he was ok with the original text. He stated that this could be misinterpreted of keeping businesses out.

Commissioner Bonner stated that the amendment could prohibit business in the A1 district.

Commissioner Nixon asked if the Planning Board could review the three possible scenarios and develop a recommendation also.

Ms. Bryant stated to be clear she would take all three recommendations to the Planning Board.

Commissioner Nixon moved to send the three proposals to the Planning Board for a recommendation.

Chairman Smith asked for all in favor, the motion passed unanimously (7-0).

Announcement - Riversound

Mr. Howard stated that the Board took action taken at the September 8, 2015 Closed Session regarding a settlement between Chowan County, International Fidelity and the Riversound Property Owners Association for the completion of the Riversound development. He stated the Commissioners worked out an agreement in the amount of \$1,802,000 from the bonding company to go to the Homeowners Association for the completion of the project infrastructure. He stated now that the Homeowners Association has these funds the project should begin moving forward to completion.

Commissioner Winborne noted this also releases the County from any liability.

Mr. Howard stated both agreements release the County as well as the Bonding Company.

External Board/Committee Report

Chairman Smith asked to report on the activities of the external boards to which they have been appointed.

Commissioner Mitchener reported on the Albemarle Commission's annual meeting.

Manager's Report

County Manager Kevin Howard updated the Board on the following matters:

- Notice of violation – Valhalla Plant
Mr. Howard stated the County has made contact with GMA. Their initial assessment will cost approximately \$9,225. HE stated this will determine the placement of the wells at the plant as required by DENR (See minutes of October 14, 2015).
- Joint Meeting with Board of Education
Mr. Howard reported that the Board of Education has requested a joint meeting, possible date is November 9th at 6 or 6:30pm. The Schools have requested that the joint meeting be held at John A. Holmes High school to discuss needs at the School.

Commissioner Nixon stated he would like to meet with the Board of Education to discuss accountability and action plans regarding recent scores.

Chairman Smith stated that he felt the Board should establish guidelines for future meetings.

The Board by consensus will schedule this meeting and a future meeting will be scheduled to discuss items of concern by the County.

Timely and Important Matters

Attendance at Wind Energy Meetings

Commissioner Winborne asked the County Attorney for clarification on the attendance at these wind energy meetings. HE stated the Board has been advised to not attend these meetings in the past to avoid any accusations of being biased.

Ms. Arizaga-Womble stated the Board should know that the issue of doing your own research is that the Board must be impartial in their decision making for any quasi-judicial matter. She stated Board members are allowed to do their own research however that research cannot be considered as evidence from the quasi-judicial hearing. She stated if a Board member chooses to use its research in the hearing it would have to be placed on the record and allow the applicant to respond. She stated she needed to look more into the matter and was aware that previous legal counsel has advised the Board to avoid to be cautious with regards to research, she stated she would do more research on the question and provide the Board with a written opinion.

Commissioner Mitchener stated he felt that attending lectures on either side of the argument would not make him biased.

Ms. Womble stated that Board members may wish to keep a record of these meetings and any gathered research so that they can provide this if needed.

Commissioner Nixon stated that the Board was previously advised to not do any independent investigating prior to a hearing because it could be challenged. He stated that he has been approached by Apex as well as those against wind energy such as Mr. Droze. He stated that a movie or documentary could be swayed either direction. He stated that he felt there is a time and a place to bring in evidence. He stated that at this time there is no permit application, and after that application would be the time to begin asking questions about research.

Ms. Womble stated she would stand behind the opinion of previous counsel and advise the Board to not form an opinion. She stated if the Board avoids research it leaves minimal ground for a challenge.

Commissioner Kehayes stated that Apex has presented a sales pitch to the Board.

Closed Session

Commissioner Bonner moved that the Board go into closed session, in accordance with NCGS 143-318 (11) (a) (6) personnel. Chairman Smith asked for all in favor, the motion passed unanimously (7-0).

The minutes of the closed session are sealed.

Commissioner Kehayes moved to come out of closed session Chairman Smith asked for all in favor, the motion passed unanimously (7-0).

Adjourn

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

Jeffery Smith
Chairman

L. Susanne Stallings, Clerk