

Regular Meeting
Monday, December 1, 2014
Historic 1767 Chowan County Courthouse
East King Street
6:00pm

Minutes

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

Staff present County Manager Kevin Howard, Finance Officer Willie Carawan and Board Clerk Susanne Stallings.

Regular Meeting

Chairman Nixon called the regular meeting to order. Boy Scout Troop 164 led the pledge of allegiance. Commissioner Bonner then offered the invocation.

Approval of Agenda

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

Old Business

- a. Commissioner Mitchener moved to approve the minutes of November 3, 2014. Chairman Nixon asked for all in favor, the motion passed unanimously (7-0).
- b. Chairman Nixon and the Board recognized County Employees for their years of service.

Administration of Oaths of Office

Clerk to the Board, Susanne Stallings administered the oath of office to Commissioners Elect Ellis Lawrence, Jeff Smith and John Mitchener.

Organizational Meeting

Election of Chairman

- a. Board Clerk Susanne Stallings moderated the organizational meeting for the election of Chairman. She opened the floor for nominations for Board Chair. Commissioner Lawrence nominated Commissioner Nixon. Commissioner Nixon nominated Commissioner Smith. Commissioner Lawrence stated that if Commissioner Nixon was not interested in the Chairmanship he would withdraw his nomination. Ms. Stallings called for any further nominations, there were none, she then closed the floor for nominations. She asked for all in favor of the nomination of Commissioner Smith to serve as Chairman. The motion passed unanimously (7-0).

Election of Vice Chairman

- b. Chairman Smith opened the floor for nominations for Vice Chair. Commissioner Winborne nominated Commissioner Kehayes. Being no further nominations, Chairman Smith closed the floor for nominations. He then asked for all in favor of the nomination of Commissioner Kehayes to serve as Vice Chair, the motion passed unanimously (7-0).

2015 Meeting Schedule

- c. Chairman Smith opened the floor for discussions regarding the 2015 meeting schedule. Board members discussed the schedule that was used for 2014. Commissioner Winborne stated he was ok with staying the same as the 2014 schedule (First Monday at 6:00pm and 3rd Monday at 5:30pm, if a holiday is on the day of a Monday meeting, the meeting will be on Tuesday)
- Commissioner Lawrence stated he was not sure what his work schedule would be for 2015, but felt comfortable with the schedule.
- Commissioner Nixon moved to approve the meeting schedule as meeting on the first Monday of each month at 6:00pm and 3rd Monday of each month at 5:30pm, if a holiday is on the day of a Monday meeting, the meeting will be on Tuesday.
- Chairman Smith asked for all in favor, the motion passed unanimously (7-0).

Reception

Chairman Smith called for a 15 minute recess for a reception and invited all the public in attendance to enjoy the refreshments that were provided. After the 15 minutes, Chairman Smith called the meeting back to order.

Public Comment

Chairman Smith opened the floor to public comment in accordance with NCGS 153A-52.1.

Ron Wardell, 1505 Arapahoe Trail provided the Board with a petition to the Board of Commissioners to complete construction of a Racquet Ball Court at the Northern Chowan Community Center in fiscal year 2014/15. He stated that previous plans for the building's construction called for a racquet ball court, but the room was never built. He stated the room is currently unfinished. He provided the Board with construction information and specifications for the court.

Chairman Smith recommended the information be forwarded to the recreation director for further investigation.

There was no further public comment.

Consent Agenda

Chairman Smith then presented the consent agenda.

a. Budget Amendments

BA1415-010

Account Code	Description	Old	+ or (-)	New
33-3990-990-00	Fund Balance	(44,492.00)	(4,168.00)	(48,660.00)
33-9930-995-00	Designated for Future Appropriation	(4,168.00)	4,168.00	-
		Balanced:	(48,660.00)	(48,660.00)
Justification:				
<i>In moving monies back and forth between the General and Capital Outlay Funds for FY '15 projects, Capital Outlay Fund Balance Appropriation was understated</i>				

BA1415-011

Account Code	Description	Old	+ or (-)	New
49-3591-234-00	Lottery Proceeds	-	(28,945.96)	(28,945.96)
49-5913-014-01	JAHHS - Outside Entrance	-	21,965.56	21,965.56
49-5913-014-04	Chowan Middle - CTE Program	-	6,980.40	6,980.40
		Balanced:	-	-
Justification:				
<i>Budgeting Lottery Proceeds received for FY14 projects</i>				

BA1415-012

Account Code	Description	Old	+ or (-)	New
12-3531-230-01	Social Service Admin	(1,442,199.00)	(24,803.00)	(1,467,002.00)
12-5380-539-21	Low Income Energy Assistance	88,448.00	24,803.00	113,251.00
		Balanced:	(1,353,751.00)	(1,353,751.00)
Justification:				
<i>Budgeting additional LIEAP appropriation</i>				

Mr. Howard stated that NC DOT has requested that the County consider an opportunity to utilize enhancement funding for the revitalization of the flower beds at the Highway 17 interchanges. He stated that one of the interchanges is maintained by the Town of Edenton.

Chairman Smith asked how long the state will maintain the beds.

Mr. Howard said the State will maintain the beds for 3 years.

Chairman Smith noted that currently DOT could assess the County under the current maintenance contract for maintaining the beds.

Commissioner Nixon provided a history of the maintenance agreement for the existing beds. He stated the Board chose not to maintain the beds because of the County's finances. He stated that he drove by 3 of the beds and noted the Town has crape myrtles planted at their beds. He stated he felt this is something that should be given to the Tourism Development Authority. He stated he was not sure if the County has the staff to maintain the beds. He asked why the County has three beds to maintain and the Town only has one. He stated he would like more history on the beds and he was not interested tying other Boards into agreements in the future.

Mr. Howard stated he could request more information and bring it back to the Board.

Commissioner Mitchener asked what monies would the maintenance cost.

Mr. Howard stated he did not have those estimates.

Commissioner Nixon asked if this is something a civic organization could take on.

Mr. Howard stated that this would have to be maintained under the contract agreement by local government.

Commissioner Winborne stated he did not feel this was a function of County Government.

Commissioner Mitchener stated he felt the Board needed to consider maintaining the beds.

Mr. Howard recommended inviting DOT to the next Board meeting.

Commissioner Nixon stated he was concerned about taking on more property while receiving less revenues from the State. HE stated he did not want to put this burden on the tax payers.

Commissioner Kehayes stated he would like to hear more from Ms. Mansfield with DOT.

Commissioner Smith thanked the Boy Scouts for attending the meeting.

Appointments

Chairman Smith stated the Board will review applications for the Chowan County Planning Board.

Commissioner Kehayes discussed County residency and asked if the Board has a residency criteria for appointments. He asked if there was a requirement for the length of residency.

Commissioner Mitchener stated he was more concerned with the quality of one's citizenship.

Commissioner Lawrence stated he would like to appoint someone with sometime of residency in the County.

Commissioner Winborne stated he was not comfortable appointing a candidate who he was not familiar with personally. He moved to table the discussion for 30 days and instruct the clerk to advertise the vacancy longer. He stated he would encourage the Board members to find people in their districts who are willing to serve on Boards and encourage them to apply. He stated that the advertisement should include the area of the County from the Macedonia Community to the Town of Edenton.

Commissioner Mitchener stated he felt the Board should be more welcoming to persons moving into the County.

Commissioner Bonner stated he was not in objection to extending the advertisement period but added that length of residency, he felt, should not be a consideration.

Commissioner Nixon stated he felt the Planning Board and ABC Board both have a lot of power in decision making. He stated that there are applications reviewed by the Planning Board that never go to the Board of Commissioners for any further approval. He stated he felt the Board should look at the process for candidate selection and interview the applicants.

Commissioner Winborne stated he felt it was important to have equal representation on the Board. He noted that areas of the Macedonia Community are not represented on the Planning Board.

Commissioner Kehayes stated he felt it was important for the Board to do its due diligence with candidate selection.

Ms. Stallings noted the advertisement would be expanded for the area up to the Macedonia community.

Chairman Smith recommended the Manager look into how other Counties handle Board appointments and bring back to the Commissioners this information. Being no further discussion, Chairman Smith asked for all in favor, the motion passed unanimously (7-0).

Fire Station Study Committee Report

Mr. Howard stated that the Board will review and discuss the report from the Fire Station Study Committee.

Commissioner Nixon stated he had questions about the Fire Department doing fundraising. He stated that the information in the report shows that if a referendum is not approved in all districts, the fire tax currently in place could be lost.

Mr. Howard stated that was correct.

Commissioner Nixon stated he would like more information on new construction in the southern portion of the County. He asked how many new constructions are there in that area now than before.

Mr. Howard stated the committee did not look at building permit numbers.

Commissioner Winborne noted the Committee reported that an increase is needed now to support the fire fund in its current funding. He stated that he did not know how he could convince his constituents to support an increase of the fire tax to construct an unmanned substation in the southern part of the County.

Chairman Smith stated that residents in this area have been paying the fire tax and have had fire protection he stated that the purpose of this study is because the residents in this area do not get a discount on their homeowners insurance.

Commissioner Mitchener stated he felt the Board needed to improve the entire County and provide relief to the residents in this area.

Commissioner Nixon stated he would love to see a fire station in the southern part of the County. He stated that growth should be a factor when considering where to locate a substation. He stated that he does not see an increase in building permits. He stated he felt that the Board should ease into expansion of the fire insurance coverage.

Edenton Fire Chief Craig Forlines discussed the area that the proposed substation could go into to expand the five mile insurance coverage. He noted that the law requires the coverage to be continuous. He noted that a change in the fire tax districts would require a public petition.

Chairman Smith noted the County is mandated to provide EMS coverage but not Fire by State law.

Commissioner Kehayes stated that the current fund is not self-supporting. He stated that the Board is currently budgeting fund balance to balance the budget. He noted that the Board did not remain revenue neutral for the fire tax. He moved that the Board hold a public hearing to receive public comment. He further moved to hold the public hearing on January 5, 2015 at the 6pm meeting.

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

Commissioner Kehayes moved to and assign the duty to the County Manager and Edenton Fire Chief to research possible locations for a substation to bring back later to the full Board. (To address the last two bullets of the fire station study committee report conclusions).

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

Mr. Howard noted the location discussions and negotiations would have to take place in closed session.

Social Services

CCPT Committee

Ms. Stallings stated that the Board is asked to consider a request for appointments to the Community Child Protection Team and Chowan County Fatality Protection Team (mandated appointments specific to job titles).

Commissioner Nixon moved to appoint Ashley Miller and Tanesha Leary. Chairman Smith asked for all in favor, the motion passed unanimously (7-0).

External Board/Committee Report

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

Commissioner Bonner stated he enjoyed attending the flag ceremony.

Commissioner Mitchener stated he recently attended a meeting on Wind Energy.

Commissioner Nixon asked for clarification from the County Attorney on participating in these events.

Mr. Howard stated that the Board of Commissioners will sit as a Board of Adjustment for any Wind Energy application. He stated he would recommend that the Board not participate in these events and be careful in any correspondence about these types of projects.

Commissioner Nixon asked if the Board could receive a statement from the County Attorney on this topic to ensure the Board does not expose itself to any litigation.

Chairman Smith asked if he should be recused from this conversation. (It was not recommended for him to be recused).

Ms. Stallings noted she has placed a request on this matter to the County Attorney and she will forward a response to the full Board and the Planning Board.

Commissioner Mitchener stated he only wanted to make the Board aware that there are differing views in the community.

Commissioner Winborne suggested that Board members take the advice of the Manager and County Attorney on this topic.

There was no further discussion.

Manager's Report

County Manager Kevin Howard updated the Board on the following matter.

- North Carolina Northeast merger with NC Alliance
Mr. Howard provided the Board with a proposed resolution to suspend efforts to force membership of Chowan County in the NC East Alliance.

Board members discussed the proposed resolution. It was noted that Bertie, Hertford, Halifax, Currituck and Bertie have adopted the resolution.

There was no action taken on the resolution.

- Albemarle Commission RPO request for alternate appointment
Mr. Howard stated the RPO has requested an alternate appointment to the RPO. He recommended that the Board consider appointing one of its members at the January meeting when committee appointments are considered.

Chairman Smith asked the Clerk to email the appointments list to the Board for appointment consideration.

Timely and Important Matters

Commissioner Smith stated his appreciation to the State for allowing the Board to meeting at the historic 1767 Chowan County Courthouse. He also thanked the Board for the years that he has served as Chairman.

Closed Session

Commissioner Kehayes moved that the Board go into closed session, in accordance with NCGS 143-318 (11) (a) (5, 6), contract negotiations and 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 Nixon moved to adjourn the meeting. Chairman Smith asked for all in favor, the motion passed unanimously (7-0).

Jeff Smith, Chairman

Susanne Stallings, Clerk