

Chowan County Board of Commissioners
Regular Meeting
Monday, January 5, 2009
6:00pm
1767 Chowan County Courthouse
117 East King Street

The Chowan County Board of Commissioners held their regular meeting on Monday, January 5, 2009, at 6:00 pm in the 1767 Chowan County Courthouse, 117 East King Street Edenton, NC.

Present, Chairman Eddy Goodwin, Vice Chairman Emmett Winborne, Commissioner Jimmy Alligood, Commissioner Louis Belfield, Commissioner Kenny Goodwin, Commissioner Ralph Cole and Commissioner Keith Nixon. Staff Present: County Manager, Peter Rascoe; Finance Officer Lisa Jones and Clerk to the Board, Susanne Stallings.

Chairman Eddy Goodwin called the meeting to order and led the Board and the audience in the Pledge of Allegiance. Commissioner Keith Nixon then offered the invocation.

Chairman Eddy Goodwin noted that after the agenda was finalized, two additional items were brought to his attention for the Board to consider, discussion of an offer to purchase real property and an amendment to the Personnel policy. Commissioner Belfield moved that the Board amend the agenda to add the two items. Chairman Goodwin asked for all in favor, the motion carried unanimously (7-0).

Public Comment

Chairman Goodwin then opened the floor to public comment in accordance with NCGS153A-52.1.

John Mitchener asked how many Board members planned to attend the school for Commissioners and noted that he felt any non-participation was inexcusable.

Clerk to the Board, Susanne Stallings at the request of the Chairman noted that four Board members were attending the School of Government's, "Essentials of County Government" school in January.

Frank Donoto spoke of his concerns that Edenton Bay Phase II is not on his new GPS device.

Chairman Eddy Goodwin said that he was not aware that the County provided information for GPS providers. He added that at the last meeting the Board approved a fly-over for new aerial maps.

County Manager Peter Rascoe said the County provides GIS information on the County roads but no information on GPS devices, this is satellite imagery.

Susan Hicks encouraged the Board to select a diverse group for the Citizens Advisory Group to the Sub-Finance Committee.

Pat Grother asked about the item b of the consent agenda and asked for clarification on item number 4 of the agenda.

Mr. Rascoe said that the capital project ordinance amendment is a grant project that was funded by the Department of Commerce as a job incentive grant program. He said the project came in below projected costs and the amendment was to balance the project budget. He said that the item four of the agenda will add the Chairman as a dual signature on the County Checking Account.

The Chairman said that as the Board goes through the agenda, he will call on public comment.

Bob Steinberg of 103 South Granville St. said that he liked the E-Newsletter being done by the County. He said that he was speaking on Mr. Mitchener remarks about attendance at the School. He said if money is an issue, he would be willing to pick up the check. He said he felt the public should know which commissioners are not attending.

Commissioner Jimmy Alligood said he was not attending the school.

Being no further public comment, the Chairman closed the floor.

Introduction of County Extension Director

County Manager, Peter Rascoe introduced Heather Lifsey the newly appointed County Extension Director. Noting she was a graduate of NC State University with a Masters in Science. He said she has been an Extension Agent in Northampton County for 9 years and today was her first day on the job in Chowan County.

Ms. Lifsey said she was excited about the opportunity and looked forward to meeting the people of Chowan.

Chairman Eddy Goodwin welcomed Ms. Lifsey on behalf of the Board.

Consent Agenda

a. **Budget Amendments**

4310 Sheriff accident	\$1,000	Increase	Insurance proceeds from vehicle
3531 DSS	\$15,000	Decrease	Reduction in Daycare funding
3531 DSS	\$20,783	Increase	Additional Allocation of CRISIS funds
3986 Health Ins Fund	\$5,500	Increase	Contribution from Health Insurance
general			to General Fund to repay loan from fund per 2007 audit

b. Capital Project Ordinance Amendment
WHARF LANDING WATER/SEWER EXTENSION PROJECT
AMENDED CAPITAL PROJECT ORDINANCE

BE IT ORDAINED by the Governing Board of Chowan County, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The project authorized is the extension of water & sewer service at Wharf Landing Inn & Marina to be financed from CDBG-Economic Development Grant contributions from Wharf Landing, LLC.

Section 2. The officers of this unit are hereby directed to proceed with the capital project within the terms of the budget contained herein.

Section 3. The following amounts are appropriated for the project:

34-7120-191	Professional Services-Planning & Administration	\$ 30,000.00
34-7120-440	Contracted Services - Sewer Improvements	255,000.00
34-7120-441	Contracted Services – Water Improvements	<u>94,360.00</u>
		<u>\$ 379,360.00</u>

Section 4. The following revenues are anticipated to be available to complete this project:

34-3493-000	CDBG-Economic Development Grant	\$ 228,000.00
34-3493-001	Wharf Landing LLC Contribution	57,000.00
34-3493-061	Contribution from Water Fund	<u>94,360.00</u>
		<u>\$ 379,360.00</u>

Section 5. The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of all agreements and regulations.

Section 6. Funds may be advanced from the General Fund for the purpose of making payments as due. Reimbursement requests should be made in an orderly and timely manner.

Section 7. The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and on the total revenues received or claimed.

Section 8. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this Board.

Section 9. Copies of this capital project ordinance shall be furnished to the Clerk of the Governing Board, and to the Budget Officer and the Finance Officer for direction in carrying out this project.

c. Tax Release

McMillian, E.	\$156.56	SITUS Chicago
Weber, G.	\$119.69	Vehicle Turned In

d. Minutes of the December 1, 2008 Board of Commissioners meeting

Mr. Rascoe clarified the budget amendment of \$5,500 to the General Fund to repay a loan from the General Fund for Health Insurance.

Ms. Stallings clarified that by approving the minutes of the December 2008 meeting, the board was also concurring to seal the minutes of the December 2008 executive session until the purpose of sealing the minutes no longer frustrates the purpose of the executive session in accordance with G.S. 143-318.10

Commissioner Kenny Goodwin moved that the Board approve the consent agenda with the clarification on the budget amendment and the sealing of the executive session minutes. Chairman Eddy Goodwin asked for all in favor, the motion carried unanimously. (7-0)

RBC Bank Resolution and Agreement

Chairman Eddy Goodwin said that the Board is asked to consider a resolution that would add himself, the Chairman as an authorized representative on the Chowan County RBC Bank account and remove the previous Chairman from the Account.

Finance Officer, Lisa Jones noted that the account would require dual signatures on all checks. She said that the authorized representatives on the account are the Chairman of the Board of Commissioners, Peter Rascoe, Lisa Jones and Kimberly Smith.

Being no further discussion, Commissioner Ralph Cole moved the Board adopt the following resolution to add Mr. Eddy Goodwin to the RBC Bank Account. Chairman Eddy Goodwin asked for all in favor, the motion carried unanimously (7-0).

A copy of the resolution is in the Board of Commissioner meeting file dated January 5, 2009.

Resolution – Authorizing the Solicitation of Requests for Proposals

Chairman Eddy Goodwin noted that on November 3, 2008 the Chowan County Board of Commissioners approved a budget amendment for a joint ortho imagery project with the counties of Bertie, Chowan, Gates, Hertford, Martin and Washington. He said that the following resolution will authorize the counties to begin soliciting requests for proposals for the Joint Ortho Imagery Project.

Commissioner Keith Nixon asked what the amount of Chowan County's match for the joint project was.

Peter Rascoe said that Chowan County is obligated for \$9,500. He said this resolution will skip any prequalification process and will allow the counties to solicit bids. He said that the counties participating will be required to stick to the budget.

Commissioner Keith Nixon asked if the amount is due payable in the next fiscal year.

Mr. Rascoe said yes.

Being no further discussion, Commissioner Belfield moved that the Board adopt the resolution to authorize the solicitation of requests for proposals. Chairman Eddy Goodwin asked for all in favor, the motion carried unanimously. (7-0)

**RESOLUTION AUTHORIZING
THE SOLICITATION OF
REQUESTS FOR PROPOSALS
(instead of Requests for Qualifications)
for
JOINT ORTHO IMAGERY PROJECT**

WHEREAS, the counties of Bertie, Chowan, Gates, Hertford, Martin and Washington are jointly participating in an ortho imagery project which will include aerial photography, digital orthophotos and the production of digital orthophoto base maps; and whereas the Chowan County Board of Commissioners previously approved funding for this project by adoption of a budget amendment on November 3, 2008; and

WHEREAS, there are standard state guidelines and specifications already in place for services and products to be provided to the counties as a part of this project; and

WHEREAS, there have already been at least four equally qualified vendors that have expressed interest in performing the services and providing the products called for in this ortho imagery project; and

WHEREAS, in the interest of saving time and money it will be in the best interest of the counties mentioned above to exempt themselves, as allowed by law, from the policy of seeking Requests for Qualifications of firms and instead immediately proceed with soliciting Requests for Proposals from known qualified firms for the purpose of selecting an orthophotography vendor for this project; and

NOW THEREFORE BE IT RESOLVED, the Board of Commissioners for the County of Chowan, pursuant to the allowance of NCGS §143-64.32, hereby exempts itself from the Requests for Qualifications process outlined in NCGS 143-64.31 [Mini Brooks Act], as a policy for units of local government seeking architectural, engineering, surveying,

and construction management services, and resolves rather to use a Requests for Proposal process in the solicitation of proposals for the aforementioned ortho imagery project.

Resolution In Support of Tobacco-Free Environments

County Manager, Peter Rascoe said that Albemarle Regional Health Services (ARHS) now occupies the former Adult Day Health building on West Freemason Street in Edenton. He said that ARHS has submitted a resolution for the Board's consideration requesting that the building and campus be declared tobacco free environments.

Commissioner Kenny Goodwin asked if all County owned buildings are smoke free.

Mr. Rascoe said Chowan County owned buildings are smoke free on the interior.

Commissioner Jimmy Alligood said he was unsure of how such a resolution could be enforced. He asked how it will be enforced.

Mr. Rascoe said that ARHS will put up signs and be responsible for enforcing the policy.

Commissioner Alligood said he would move to approve the policy for that building, but stated his concerns of the local government taking away persons rights to smoke outside, if even with a designated smoking area away from the entrance. He said he was not a smoker but he felt that the Board should not take away persons rights.

Chairman Eddy Goodwin asked if there were any comments on the proposed resolution from the public.

John Mitchener said that the overall purpose of the policy is to avoid the risks of studies done on the dangers of second hand smoke, and added that the policy is a good step in the right direction.

Bob Steinberg said as an RJ Reynolds stockholder and a resident of North Carolina which is a tobacco state, there are questions of 2nd hand smoke outside. He said he agrees there should not be allowed smoking on the interior of buildings, but he felt that outside smoking is an infringement of peoples rights.

Commissioner Kenny Goodwin said he did not like to see people's rights being taken away.

Commissioner Nixon said that he felt it was ironic that smoking would be allowed at a public health department.

Being no further discussion, Chairman Eddy Goodwin asked for all in favor, the motion carried (4-3)

4 ayes (Nixon, Belfield, Alligood, Cole)

3 no (K. Goodwin, E. Goodwin, Winborne)

RESOLUTION IN SUPPORT OF TOBACCO-FREE

ENVIRONMENTS

WHEREAS, secondhand smoke has been proven to cause cancer, heart disease, and asthma in both smokers and nonsmokers; and

WHEREAS, the 2006 Surgeon General's Report on the health consequences of involuntary exposure to tobacco smoke states that the scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke; and

WHEREAS, the 2006 Surgeon General's Report documents that separating smokers from nonsmokers, cleaning the air, and ventilating smoke cannot eliminate exposure to secondhand smoke; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) advises that all individuals with coronary heart disease or known risk factors for coronary heart disease should avoid all indoor environments that permit smoking; and

WHEREAS, exposure to secondhand smoke is costly, costing the nation \$10 billion per year, \$5 billion in direct medical care costs, and \$5 billion in indirect costs according to the 2005 Society of Actuaries; and

WHEREAS, the vast majority of North Carolinians (77.4% of adults) do not smoke; and

WHEREAS, the 2006 Surgeon General's Report documents that eliminating indoor smoking fully protects nonsmokers from exposure to secondhand smoke; and

WHEREAS, the use of tobacco products other than cigarettes may lead to chronic health conditions, and those products include chewing tobacco, dipping tobacco products, smokeless tobacco, pipes, and cigars; and

WHEREAS, Albemarle Regional Health Services buildings are smoke-free, now therefore, the Board of Health resolves that Albemarle Regional Health Services prohibits the use of tobacco products in accordance with G.S.130A-498 at any time on the campus including buildings, parking lots, other grounds and property, and transportation vehicles owned, leased, operated, maintained, or occupied by Albemarle Regional Health Services and seeks support from Chowan County to uphold and adhere to the stated regulations to be effective on March 1, 2009.

Departmental Annual Report

Land Records Department Head, Gail Forehand presented a PowerPoint slide show of the activities of the Land Records Department. A copy of the PowerPoint presentation is in the file of the Chowan County Board of Commissioners meeting January 5, 2009.

Register of Deeds Sue Rountree, presented a PowerPoint slide show of the activities of the Register of Deeds office. A copy of the PowerPoint presentation is in the file of the Chowan County Board of Commissioners meeting January 5, 2009.

Commissioner Appointments

Chairman Eddy Goodwin said that he has reviewed previous appointments of the Board of Commissioners members and through discussions with Board members he will make a change to the internal committees in light of the recent financial crisis of the county. He said the full Board will sit as the Finance Committee and a three member panel of Commissioners will serve as a Finance Sub-Committee. He said that the three members would work with a citizen's advisory panel as a finance sub committee during the 2009-10 budget planning process. He said that the Sub-Committee will make presentations to

the full Board when it meets as a Finance Committee. He asked if there were any questions on the process.

Bob Clark asked how the Board would select members of the advisory committee.

Chairman Eddy Goodwin said the full Board of Commissioners will submit names for the sub committee to make selections. He said that the group would be diverse.

Vice Chairman Winborne commended the Chairman for the setup of the subcommittee. He said that the full Board would listen to the recommendations from the sub committee.

Susan Hicks suggested that the Board use the applications that are online for other citizen appointed committees.

Commissioner Winborne asked that the full board submit names to the subcommittee of those interested as well as the Board recruit potential members.

Chairman Eddy Goodwin asked all the Board members turn names into him. He also noted that the Clerk will put the names of each committee on the Chowan County Website the following day to show what external boards and commissions that the Board members were appointed to.

2009 Commissioner Committee Appointments

Chairman E. Goodwin presents the following Committee appointments for the year 2009

Town/County	Chairman/Vice Chairman
Legislative Liaison	Chairman
TDA	Alligood
DSS	Cole
EDC	Nixon, Winborne
Chamber of Commerce	K. Goodwin
Mental Health Board	Cole
Solid Waste Authority	K. Goodwin
Landfill Board (PCG)	K. Goodwin, Winborne
Health Dept. Board	Belfield
Hospital Local Directors Council	Cole
Recreation Adv. Board	Nixon
Albemarle Commission Bd of Dir	K. Goodwin
Albemarle Commission RPO	Belfield
Airport	Alligood
Bd of Education liaison	_____ (To be announced)
COA Board	Cole
Arts Council	citizen

Commissioner Nixon asked Mr. Black the reason for his timing and the rush to purchase the property.

Mr. Black said that he is running out of space at his current facility and that in light of the current economic situation time is critical.

Mr. Rascoe noted that the offer, if accepted by the Board is statutorily required to be published for 10 days afterwards before the transaction can be consummated under GS 160A-267.

Commissioner Alligood said that he has confidence with Mr. Black's work based on his history in Chowan County. He asked who would be responsible for any underground tanks for liability.

Mr. Black said that he would assume responsibility for that.

Commissioner Alligood moved that the Board approve Mr. Black's offer.

Vice Chairman Winborne said he visited the site and he felt that by clearing off the old building and acquiring the 25 feet, the property will have \$171,576 in equipment value and generate an additional \$11,515 in property taxes, create 3-4 more jobs and save the County the estimated \$25,000 for the demolition and site clearing.

Richard Bunch said that as a Chamber of Commerce representative he thanked Mr. Black for his contribution to Chowan County and felt it was great for the Board to approve the project.

Chairman Eddy Goodwin asked if the Economic Development Board worked with Mr. Black on this project.

Mr. Bunch said no, the board has not worked on this particular project.

Jim Brock asked if the purpose of a private sale to eliminate a potential upset bid?

Mr. Rascoe said that the property was unique because it could potentially only be used by this one potential buyer.

Mr. Brock said he was concerned that the Board may be setting precedence.

Chairman Eddy Goodwin asked if any adjoining property owners were present and wanted to comment, there were none.

Bill Black noted that Paul Waff is the other adjoining property owner and was aware and supportive of the suggested expansion.

Chairman Eddy Goodwin asked if there was any further discussion on the item.

Commissioner Alligood asked to clarify his motion to include that that the Board approves the sale of the property with Mr. Black assuming all cost and responsibility for the clean up of the property and the transfer of it.

Chairman Eddy Goodwin asked for all in favor, the motion carried (6-1).

Ayes – E. Goodwin, Winborne, Alligood, Belfield, Cole, K. Goodwin
No- Keith Nixon

Personnel Policy Amendment

Chairman Eddy Goodwin asked Clerk to the Board, Susanne Stallings to read the proposed amendment into the record:

Ms. Stallings read:

Amend by adding a new last sentence of the first paragraph of Attachment B's Section 2 "Administration of Reduction in Force" of the Chowan County Personnel Policy to read:

In the event the Board of Commissioners declares the existence of a financial crisis, which due to an immediate unavailability of funds threatens the continued functioning of the County's programs and services, separations from employment may be made at an accelerated rate and notices of separations may be immediate.

Mr. Rascoe clarified that the current personnel policy allows for RIF due to a reduction in programs and funds. He said the policy outlines the process for RIF. He said that this amendment came at the suggestion of the County Attorney to be more uniform with surrounding counties RIF policies. He said the current policy requires a 30 day notice but this amendment would make RIFs immediate if necessary, if/when the Board declares a financial crisis.

Commissioner Belfield asked about the process for a RIF.

Mr. Rascoe said that the process would not change, that currently seniority, necessity, public safety are all criteria that determines the order of RIF's.

Mr. Cole said that Pasquotank County has done reduced hours to save jobs.

Mr. Rascoe reminded the Board that a RIF terminates positions. He described how the Board would under the policy, require the Board to declare an immediate financial crisis and then the Board would go through and determine essential vs. non-essential.

Commissioner Nixon asked if any employees or citizens wanted to comment on the proposal.

Citizen, John Mitchener asked how long before a crisis would the public be notified of such.

Mr. Rascoe said that the Board would have to call an emergency meeting and then after hearing an evaluation of the current situation, would declare an immediate financial crisis. He said about ½ of the counties in the State use this language.

Vice Chairman Winborne asked if Mr. Rascoe could foresee a fiscal crisis in the next 30 days.

Mr. Rascoe said no.

Vice Chairman Winborne moved to table the item for the next meeting for more research.

Chairman Goodwin asked for all in favor the motion passed (4-3)

Ayes Winborne, Cole, Belfield, Alligood, Nixon

No- K. Goodwin, E. Goodwin

Commissioner Nixon asked if the County attorney should be present to review the language.

Mr. Rascoe said this language came from the attorney and he has concurred with the amendment.

Commissioner Alligood said that with that information, he moved that the Board withdraw the motion to table the amendment, and moved to pass the amendment to the personnel policy as submitted. Chairman Eddy Goodwin asked for all in favor, the motion carried (6-1).

Ayes- K. Goodwin, E. Goodwin, Cole, Belfield, Alligood, Nixon

No – E. Winborne

Finance Report

Finance Officer, Lisa Jones presented a PowerPoint on the November Financials. A copy of the report is in the January 5, 2009 meeting file and online at www.chowancounty-nc.gov. She noted a cash balance of \$130,812. and an investment balance of \$1,281,991. She also presented the requested list of long-term and short-term capital debt and the annual payments.

Tax Collector's Report

Lynda Hendricks noted the tax levy as of January 5, 2009 was \$9,221,248.37 and collections as of Jan 5th were \$7,969,351.20 a collection rate of 85%. She said she will send out second notices because there are some tax payers that paid the first tax bill and have not paid the supplemental tax bill that was sent out in August. She said last year at this time was 90%. She added that the taxes not paid by the end of February will be listed in the paper. She said she felt many of the citizens were not sure about the second bill.

Chairman Eddy Goodwin asked if there were any questions.

Roy Kirkman, citizen asked if the foreclosures have effected collections.

Ms. Hendricks said she has not seen that many foreclosures.

Mr. Rascoe said that they are watching closely the collections. He said that staff is working with the Department of Revenue for a recommendation on a discount for payment of early pay of taxes adding that something like this will have to be adopted by May 2009.

Manager's Report

Mr. Rascoe noted that Congressman Butterfield will be meeting with Counties to discuss economic incentive grants to pass along to Governor Bev Perdue. He noted that Chowan County has now received a designation as a Tier I county and this will be factored into Economic Incentive grants and each county in this designation will be triaged for most economic distress. He said that staff is following the announcement of a location for a VA Clinic and is lobbying for Chowan County to be the site selected. Mr. Rascoe said that Chowan County was noticed 10 days ago of being in violation of the discharge permit for the levels of chloride in the discharge water. He noted this does not affect the drinking water at all. He said that he will be visiting the Division of Water Quality in one week to discuss how to remedy this violation. He said that each department head is currently preparing a projected budget for FY 2009-10 and each budget will be presented to the Sub-Finance Committee. He also noted that a committee is evaluating real property owned by Chowan County as well as the joint agency agreements. Mr. Rascoe noted that the three commissioners appointed to the Sub-Finance Committee will be meeting with the Board of Education to begin talks on the school's budget request for FY 2009-10. Mr. Rascoe noted that Albemarle Boats has been purchased by a company from Tyrrell County and from Raleigh. He noted three additional invitations to the Board of Commissioners, Legislative Forecast in Elizabeth City, State of the Region 2/20/09 at the Northeast Partnership and an invitation for the Board to visit Chowan Hospital and receive a presentation on their operations and services.

Vice Chairman Emmett Winborne asked Mr. Rascoe what he thought the chances of getting the VA Clinic in Chowan County.

Mr. Rascoe said that a member of the audience, Citizen EC Toppin may have more information.

EC Toppin said that he has talked with Senator Burr's Office and right now it is close between Chowan County and Pasquotank County.

Vice Chairman Winborne asked if there is anything the Board of Commissioners can do.

Mr. Toppin said that it depends on how much Chowan County wants the project and what they are willing to do to get it. He said he has heard that Edenton has a 50/50 chance. He said that now he remains positive that Chowan County has a shot at the project.

Timely and Important Matters

Chairman Eddy Goodwin called on Chief Building Inspector, Holly Colombo answer if the Inspections office levies fines on only newly constructed property or on property already constructed.

Mr. Colombo said there is a fine process such as when they are called out for inspections and the work is not complete, there is a fine or if a list of corrections has been given and they call the inspectors to check it and the corrections have not been made, then fines are levied. He said if a property is a public nuisance then after processes have been followed to contact the owner he will bring it before the Board of Commissioners to review the nuisance to levy fines.

Citizen, David Barrett asked if the Board will put an item on each agenda to give an update on the status of the State Audit.

Mr. Rascoe said the State Auditor and the District Attorney's investigation is still ongoing. He said that he was again interviewed that morning by the State Auditor's office. He said that the State Auditor informed him that he was beginning to do a write up.

Chairman Goodwin said that all Commissioners are waiting on a report from the State.

Being no further business, Commissioner Alligood moved that the meeting be adjourned. Chairman Eddy Goodwin asked for all in favor, the motion carried unanimously (7-0).

Eddy Goodwin
Chairman

L. Susanne Stallings
Clerk to the Board

(SEAL)