

Regular Meeting  
October 2, 2006

The Chowan County Board of Commissioners met in regular session on Monday, October 2, 2006 at 6:00 p.m. in the Panel Room of the 1767 Courthouse.

Present: Jimmy Alligood, Louis Belfield, Ralph Cole, Jerry Downum, Bill Gardner, Harry Lee Winslow.

Absent: Wayne Goodwin, due to illness and hospitalization.

Vice Chairman Ralph Cole called the meeting to order and presented the invocation, remembering Chairman Goodwin in his prayer.

#### Consent Agenda

By motion of Commissioner Belfield, the Consent Agenda, including the following tax releases, budget amendments and the minutes of the September meeting, was approved.

Ayes 6

No 0

#### Tax Releases

RD Dixon	\$246.30	high mileage on 2 vehicles
RM Isenhour	\$16,008.75	partial relief of nuisance fee per Town Council
MR King	143.51	listed in Pitt Co.
WR Knapp	124.17	purchased commercial tag
FM Postell	167.07	listed in Pitt Co.
JM Ogle	140.85	listed in SC
JL Ogle	150.74	listed in SC

#### Budget Amendments

5374 DSS	decrease \$ 543	WorkFirst Transportation funds
5351 DSS	increase \$2687	Domestic Violence funding
5372 DSS	decrease \$3590	Crisis Intervention funding
5372 DSS	increase \$4327	Day Care funding

#### Public Comment

Albemarle Mental Health Center/Charles Franklin

Joe Hollowell commented on the recent discussions concerning the Albemarle Mental Health Center's contract with Charles Franklin since his retirement from the position as Executive Director. He noted the NC Retirement System's decision that it is illegal for Mr. Franklin to receive retirement benefits at the same time the AMHC contracts with Mr. Franklin to do the same job from which he has retired. Mr. Hollowell said that it is an outrage, and a "slap in the face" to the taxpayers of the counties served, that a public employee can receive \$462,000 a year, \$318,000 by this contract, which is a salary totally out-of-line with prevailing salaries for public employees. He requested that the Board of

Commissioners follow-up on these findings, and join the other counties in the AMHC service district to investigate this matter.

Commissioner Gardner made a motion that the County Manager be requested to investigate this question and report to the Board of Commissioners.

Ayes 6

No 0

#### Public Hearing – Zoning Ordinance and Revised Subdivision Ordinance

The regular meeting was recessed and the Vice Chairman declared a public hearing open to receive comment on the proposed zoning ordinance and the revised subdivision ordinance. Planner Elizabeth Bryant introduced Buddy Blackburn, representing the Wooten Company, consultant for the preparation of the documents, and the Planning Board members present, Roger Spivey, Lia McDaniel, Kathy Williams, Craig Blanchard, and Jack Held. She stated that public meetings have been held since March of 2004 to seek input from the community concerning the issues of zoning, and that meetings have been held this summer to present plans for the zoning ordinance to the community. Because a portion of the southern segment of the County, specifically, the Cape Colony area, already is zoned, in order to proceed with county-wide zoning, it is necessary that residents of that portion of the County be notified of a re-zoning effort. Mrs. Bryant presented the following certification: “Pursuant to NC General Statute 153A-343, and as the person responsible for mailing the notices, I certify to the Chowan County Board of Commissioners that written notice of this public hearing was mailed by first class US Mail on Thursday, September 21, 2006, to each owner of a parcel of land subject to a proposed zoning map amendment. Notice of the October 2, 2006 public hearing to consider the proposed amendment was mailed to each owner using the address shown on the county tax listing.

Elizabeth Bryant, Director, Chowan Planning and Inspections Department”

Mrs. Bryant presented highlights from the proposed zoning ordinance and the revised subdivision ordinance, which are included as a part of these minutes.

Concerning the amended zoning regulations for Cape Colony, Mrs. Bryant stressed two points:

The lot sizes are changed from R-25 and RMH-25 to R-15 residential.

Mobile homes would not be allowed in R-15 unless replacing an existing mobile home.

Citizens speaking were:

Richard Elliott asked that the lot size be kept at 25,000 sf instead of 40,000 sf as proposed. He stated that a house lot does not need to be so large, and the smaller lot size would provide for more homes, at a cheaper price for the land if the lots remain at the 25,000 sf size.

Ervin White opposed zoning in Chowan County. He agreed that he does not want a hog house or a chicken house at his backyard but it is “my right to do what I want to do with my land”.

Dossey Pruden supported zoning, saying it is a big step, but in the right direction. He did express concern that local salary scales may not allow citizens to be able to purchase the larger lots, to be able to stay in the County to live and work.

George Midgett questioned the setback requirements for the Cape Colony lots, how can zoning and setback regulations can be applied to a subdivision platted in 1959. Mrs. Bryant responded that although NC General Statutes prohibit county zoning regulations from rendering existing lots unusable, that the use categories and setback requirements of those regulations still apply to existing lots.

Les Kersey expressed his full support for county-wide zoning, saying that zoning will empower the County to sensibly control growth and protect property.

Letters of support for county-wide zoning were submitted from Lia McDaniel and John C. Meiners.

With no other comments offered, the Public Hearing was closed and the regular meeting reconvened.

County Manager Cliff Copeland said that with the many plans being examined by developers, the most often asked question might be “is the County prepared for the growth that is before the County?” The growth that is projected for Chowan County comes because of the quality of life that is available in Chowan County. He believes that it is imperative that the County be creative to find ways to grow, and to preserve the rural atmosphere by wise placement of high density residential areas. He stated that the staff has examined all the information available and recommends the adoption of this zoning ordinance and the revised subdivision ordinance as presented.

Mrs. Bryant also stated that the Chowan County Planning Board recommends adoption of the zoning ordinance and revised subdivision ordinance.

Commissioner Allgood stated that such a zoning ordinance will be effective to help protect citizens’ properties. He referred to Mr. White’s comments and assured Mr. White that good zoning will help him protect the value of his property, to assure that uses will be consistent with surrounding properties. Mr. Allgood noted that he has expressed interest in the County and the Town working to assure affordable housing for the working public, and asked that “whatever is voted on here tonight, that the Board of Commissioners can amend to provide for local citizens so that they can afford to live and work here”.

Commissioner Belfield commented to Mr. White that when he sees how the zoning ordinance will protect landowners, “I believe you will be pleased”.

Mr. Copeland noted that any good ordinance will be a work-in-progress, since over the years, the needs of the County will change, and a zoning ordinance will help the Board of Commissioners be responsible to protect growth in the County.

Commissioner Gardner stated that most everyone he has talked with supports county-wide zoning, and then asked if a sunset provision is advisable?

Mr. Copeland replied that with proper notification, the zoning ordinance can be amended as the needs of the County require, but that a sunset provision on a document such as a zoning ordinance could have negative impacts on the market value of property.

Commissioner Winslow stated that he has heard no negative comments from the citizens in the north end of the County, which he serves. He noted that Pasquotank set lot size at 25,000 sf, but has since amended its zoning ordinance to require 40,000 sf lots.

Commissioner Winslow made a motion that the County adopt the Zoning Ordinance and the revised Subdivision Ordinance as follows:

Finding that the Chowan County Board of Commissioners seeks to promote the good health, safety, morals and the general welfare of persons and life in Chowan County; and Further, finding that the proposed amendments to the current Chowan County Subdivision Ordinance, the proposed amendments to the current Chowan County Zoning Map, and the proposed repeal of the existing county zoning ordinance (effective August 1985) by adoption of a new ordinance establishing new zoning regulations and permissive and prohibitive use zones in previously un-zoned areas of the County have, over the last approximate ten months, been circulated for discussion and comment in various civic and group meetings, in formally advertised public meetings, in published news articles in the local newspaper, and in various meetings of the Chowan County Planning Board and this Board of Commissioners; and

Further, finding that the Chowan County Planning Board has thoroughly considered the proposals and has formally recommended their adoption by this Board, and Further finding that proper notice of the public hearing held in this matter was given in accordance with law both as to previously zoned lands and to currently un-zoned lands; and

Further, finding that all these proposals are consistent with the County's current comprehensive plan, specifically the current Edenton-Chowan County Joint Land Use Plan; and,

Further, finding that this Board considers adoption of these proposals reasonable and in the public interest based on the desire to promote good health, safety, morals and general welfare throughout the County.

It is moved that the Board adopt: (1) the proposed amendments to the Chowan County Subdivision Ordinance, (2) the proposed amendments to the current Chowan County Zoning Map, (3) the repeal of the existing County Zoning Ordinance, (4) the proposed text of the new Chowan County Zoning Ordinance, and (5) the establishment of new use zones on the Chowan County Zoning Map consistent with the new zoning ordinance, all effective upon adoption and subject to staff's final review for spelling, grammar, and technical format corrections prior to publishing.

Ayes 6

No 0

Vice Chairman Cole expressed appreciation to the Planning Board and the County staff for the work accomplished to bring these documents to the Board of Commissioners for consideration, and to the audience for its participation.

Award of Bids for the Library Expansion and the Public Safety Center

Both low bidders, Progressive Contracting Company and R.N. Rouse, met all specifications and awards of bid are recommended by the architects and staff.

Bids for the renovation of the Library were received as follows:

Progressive Contracting Co           \$2,771,000  
A.R. Chesson                           \$2,948,268  
Sevac Corporation                   \$2,794,000

By motion of Commissioner Belfield, a contract was awarded to the low bidder, Progressive Contracting Company at a cost of \$2,771,000.

Ayes 6  
No 0

Only two bids were received in the first request for bids, and only two in the second round, as follows:

R.N. Rouse                           \$8,631,900  
Barnhill                               \$9,350,000

Commissioner Allgood made a motion that the County award the contract to the low bidder, R.N. Rouse at a cost of \$8,631,900.

Ayes 6  
No 0

#### Human Services Committee Report

##### Red Banks Farm Project

Commissioner Allgood reported that the Human Services Committee reviewed the proposals from the three bidders for the design work for the Red Banks Farm Project as follows:

Site Solutions   \$181,500  
HSMM            \$330,500  
Haden Stanziale \$192,350

All bidders met the specified requirements of the request for bids. Commissioner Allgood made a motion that the County award the contract for design work to the low bidder, Site Solutions at a cost of \$181,500.

Ayes 6  
No 0

Recreation Department Director Robbie Laughton presented information about Site Solutions and its prior experience.

##### Fishing Pier

Mr. Rascoe reported that he and Mr. Laughton met with officials of the Wildlife Commission and developed a plan for the construction of a fishing pier at the Old Chowan River Bridge, on the 600 feet of bridge that was retained following the replacement of the bridge a few years ago. The State will provide funding generated by the recently enacted coastal recreation fishing license. This project will be a one-of-a-kind in the State and it is believed that this fishing pier will serve as a model for other projects.

Mr. Rascoe presented a memorandum of understanding between the State and Chowan County providing that the County will pay 25% of the cost, will maintain the site, may charge a user fee, set hours and sell concessions, bait and tackle. The State will provide lighting, rails, and upgrade the parking lot and boat ramp. The County's share is estimated at \$150,000.

Commissioner Belfield made a motion that the County enter into the agreement with the State to provide the fishing pier, at an approximate cost to the County of \$150,000.

Ayes 6

No 0

#### DSS Human Services Coordinator

DSS Director Ben Rose presented a proposal for a new position in the Department of Social Services for a Human Services Coordinator. This position would function as a lead worker and would serve adult services, child protective services, foster care, adoptions, child care and Work First. Benefits to be realized would be to strengthen the Work First program by allowing more program development to better serve clients, to provide a back up for the Child Care Unit, to provide professional leadership and representation for the agency in the community and to provide supervisory assistance to the Social Worker Program Administrator. The Human Services Committee recommended that this position be funded in next year's budget, unless the Director can identify money in this year's budget.

Commissioner Alligood made a motion that the position be approved in next year's budget, and approved for this year's budget if the Director is able to identify funds in the current budget.

Ayes 6

No 0

#### Work First Plan

Mr. Rose presented the Work First Plan as developed by the committee previously appointed by the Commissioners, and as recommended by the Human Services Committee. Commissioner Downum moved that the Plan be approved.

Ayes 6

No 0

#### Domestic Violence Awareness

Mr. Rose and representatives of Albemarle Hopeline, Holly Wilson and Deborah Jackson, announced that a community forum to increase awareness of domestic violence issues will be held October 30 at the 1767 Courthouse. Mr. Rose also noted that the location of a Hopeline office in Chowan County is a tremendous support resource. Ms. Wilson introduced Nancy Winslow, Hopeline Board member, Alison Pope, attorney, and Carolyn Wilson, volunteer, and cousin of Pam Virzzi, who was murdered in a domestic violence situation.

Mr. Rose announced that a memorial fund has been established through the County Finance Office, for community donations to assist domestic violence victims in Chowan County, to be known as the Pam Virzzi/Anita Jackson Memorial Fund.

Mr. Rose presented the following resolution and by motion of Commissioner Gardner, was approved.

Ayes 6

No 0

## **Resolution Supporting Domestic Violence Awareness Month October, 2006**

WHEREAS, Domestic Violence affects over 50,000 persons in North Carolina; and,

WHEREAS, Domestic Violence can impact persons of any color, economic background, culture, religion, sex, or social status; and,

WHEREAS, one in every three women have been subject to some form of domestic abuse or violence; and,

WHEREAS , perpetrators of Domestic Violence are also likely to abuse children or other persons in their life; and,

WHEREAS, options for many victims of Domestic Violence are difficult and leaving can present just as much danger as staying; and,

WHEREAS, at least 40% or more of female homicides are committed at the hands of a husband or boyfriend; and,

WHEREAS, education, training, and information are critical to helping victims find escape and help; and,

WHEREAS, Chowan County has seen the effects of Domestic Violence in the lives of its citizens.

NOW, THEREFORE, BE IT RESOLVED that the Chowan County Board of Commissioners fully supports Domestic Violence Awareness Month and the efforts of local agencies to work and provide services to victims and to try to prevent domestic violence and its impacts as much as possible; and,

FURTHER, the Chowan County Board of Commissioners recognizes the work and supports the efforts of Albemarle Hopeline, the Chowan County Sheriff's Department, the Chowan County Social Services, and the County of Chowan to bring more awareness regarding this issue and to develop a private memorial fund that honors all victims of domestic violence, and will be utilized to help serve current victims in an effort to bring them to safety.

Adopted this date, Monday, October 2, 2006, by the Chowan County Board of Commissioners  
Nancy Morgan, Clerk to the Board

### Drainage/Stormwater Study

Albemarle Resources Conservation Development Director Mark Powell presented a proposed grant application for the County to participate in a regional stormwater/drainage study. The County was requested to provide a \$500 match to the grant funds of \$9,500. The matching funds are available in this year's budget.

Commissioner Winslow made a motion that the County participate in the regional study, by the following resolution.

Ayes 6

No 0

## Resolution

WHEREAS, the Chowan County Board of Commissioners desires to sponsor a study that will identify water quality, water management and recreational concerns resulting from land use changes associated with rapid development; and will participate in this project that will help create a region-wide infrastructure for maintaining the integrity of water resources and improving drainage.

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1) the Chowan County Board of Commissioners does hereby requests that the State of North Carolina provide financial assistance to Chowan County for the Albemarle-Pamlico Regional Water Quality Study, in the amount of \$9,500 or 95 percent of the study costs;
- 2) the Board of Commissioners assumes full obligation for payment of the balance of the study costs;
- 3) the Board of Commissioners will comply with all applicable laws governing the award of contracts and the expenditure of public funds by local governments.

Adopted today, October 2, 2006, by the Chowan County Board of Commissioners.  
Nancy B. Morgan, County Clerk

### Brownridge/Dillard's Millpond

The preservation and rehabilitation work at the Dillard's Millpond is complete. This work was accomplished through a joint effort of the Ryalnd Ruritan Club, Chowan County, and owners Walter Lane and the H.F. Byrum Family. A dedication of the millpond preservation is scheduled for Monday, November 6 at 11:00 a.m. The Ruritan Club will host lunch following the dedication.

The meeting was adjourned.

Nancy B. Morgan, County Clerk