

Chowan County Board of Commissioners
Special Meeting
Monday April 7, 2008
5:00pm
1767 Chowan County Courthouse
117 East King Street

The Chowan County Board of Commissioners held an executive session on Monday, April 7, 2008, at 5:00 pm in the panel room of the 1767 Chowan County Courthouse, 117 East King St.

Present: Jimmy Alligood, Bill Gardner, Kenny Goodwin, Louis Belfield, Harry Lee Winslow, Ralph Cole and Jerry Downum. Also present was County Manager, Cliff Copeland.

The Board discussed the timetable regarding Mr. Copeland's retirement as well as the hiring of the new Manager.

There being no further business, the executive session was adjourned.

MINUTES
Chowan County Board of Commissioners
Regular Meeting
Monday April 7, 2008
6:00pm
1767 Chowan County Courthouse
117 East King Street

MINUTES

The Chowan County Board of Commissioners held its regular meeting on Monday, April 7, 2008, at 9:00 am in the upstairs meeting room of the 1767 Chowan County Courthouse, 117 East King Street.

Present: Jimmy Alligood, Bill Gardner, Kenny Goodwin, Louis Belfield, Harry Lee Winslow, Ralph Cole and Jerry Downum. Also present were County Manager, Cliff Copeland; County Attorney, Peter Rascoe and County Clerk, Susanne Stallings

Chairman Cole called the meeting to order and Commissioner Belfield offered the invocation.

Appointment of County Manager

Chairman Cole announced that upon review of applications for the County Manager's position he requested that the agenda be amended to select and appoint the next County Manager.

Commissioner Alligood moved that the Board amend the agenda for the discussion of the appointment of County Manager. Chairman Cole asked for all in favor, the motion carried unanimously (7-0).

Chairman Cole noted that after reviewing applications, the Board has unanimously agreed to offer the position of County Manager to Peter Rascoe.

Commissioner Gardner said that it is with great pleasure that he makes the motion that Chowan County appoints Mr. John Peter Rascoe III as the next County Manager effective July 1, 2008. Chairman Cole asked for all in favor, the motion carried unanimously (7-0).

Consent Agenda

Commissioner Alligood moved that the Consent Agenda be approved including the minutes from the March 3, 2008 Regular Meeting, March 7, 2008 Special Meeting, March 12, 2008 Special meeting and the following budget amendments:

Budget Amendments

b. Budget Amendments

| | | | |
|--------------|----------|----------|--|
| 4310 Sheriff | increase | \$500 | Project Lifesaver Donation |
| 4370 EMS | increase | \$84,000 | Loan proceeds for bal. on ambulance and power Stretchers |
| 5352 DSS | increase | \$39,212 | EDTAP and RGP transportation grant |
| 6130 Rec | increase | \$100 | Grant for sunfish sailing club |
| 3326 Senior | increase | \$1,808 | Alb. Comm. 3 rd quarter grant |
| 4310 Sheriff | increase | \$713 | proceeds for auto accident |
| 4350 Insp. | increase | \$1575 | proceeds for auto accident |

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

Edenton Historical Commission- Historic Preservation Helps Communities Prosper

John Dowd, Chairman of the Edenton Historical Commission presented a Power Point of the plans for the Edenton Historical Commission for 2008-2010.

Mental Health Reform

Attorney, John Morrison presented to the Board on the latest issues and developments with regards to mental health reform. He also provided the Board with handouts of material on the subject.

Resolution – Campaign Against Sexual Exploitation

DSS Director, Ben Rose presented a resolution for the Board’s consideration that was forwarded from NACO (National Association of Counties). Mr. Rose noted that this was a serious issue in North Carolina and urged the Board to support the resolution. Commissioner Downum moved that the resolution be adopted as submitted. Chairman Cole asked for all in favor, the motion carried unanimously, (7-0).

CAMPAIGN AGAINST SEXUAL EXPLOITATION

Resolution

WHEREAS according to the U.S. Department of Justice, in a one-year period, an estimated 1.6 million children either ran away from or were thrown out of their homes; and

WHEREAS an estimated 40,000 of these children will be involved in some form of sexual exploitation and victimization by predators; and

WHEREAS many child victims of prostitution are abandoned or neglected children, who have not been reported missing to law enforcement or have run away from their homes or foster care; and

WHEREAS the average age at which a child enters into prostitution is 14 years old. However, children as young as 9 years old are being exploited; and

WHEREAS although hundreds of thousands of children have been lured into prostitution, it is far too often overlooked that a child can never consent to prostitution - it is always exploitation; and

WHEREAS though the prostitution of female children is more widely publicized, male children are also susceptible to the same dangers as females in this world of exploitation; and

WHEREAS the dangers that children face as a result of prostitution are both immediate and long-term. Most immediate is the physical, mental and emotional violence that these once innocent children experience at the hands of pimps, madams and customers. Long-term dangers include health problems, drug additions, adverse psychological effects and even death; and

WHEREAS the most tangible consequence for children involved in prostitution is the extremely high probability of suffering violent assault. Prostituted children are often afraid to report these crimes to law enforcement because they are embarrassed and fearful that the charges would not be taken seriously or that they may be arrested themselves; and

WHEREAS housing instability, poverty, untreated psychological and emotional problems, substance abuse, educational and vocational failure and major problems at home have all been cited as common precipitating factors in the lives of exploited children; and

WHEREAS the children's young age, inadequate education and lack of the necessary street sense to survive alone all contribute to them resorting to engaging in exchanging sex for food, money, shelter, drugs or protection; and

WHEREAS the National Association of Counties' (NACo) and the National Center for Missing and Exploited Children (NCMEC) have partnered for a national campaign to promote child safety and help prevent the commercial child sexual exploitation; and

WHEREAS this national campaign is being launched here in Chowan County to heighten the public awareness of child sexual exploitation and help give communities across the United States effective strategies and tools to better safeguard their children; and

WHEREAS the national campaign urges key stakeholders within a community to begin dialogues on topics related to child sexual exploitation and advocating for the prevention of such victimization; and

WHEREAS local communities are requested to join in demonstrating their commitment to protecting children and to send a clear message to child sexual offenders that the criminal and sexual victimization of children will not be tolerated.

NOW THEREFORE BE IT RESOLVED that the Chowan County Board of Commissioners hereby joins with the National Association of Counties' (NACo) and the National Center for Missing and Exploited Children (NCMEC) to initiate a campaign dedicated to preventing commercial child sexual exploitation.

BE IT FURTHER RESOLVED that the Chowan County Board of Commissioners hereby establishes a Task Force to establish the framework for a comprehensive strategy to address child sexual exploitation and engage in a public awareness campaign in Chowan County.

BE IT FURTHER RESOLVED that the Chowan County Board of Commissioners urges the participation of key stakeholders from Chowan County's Family Court System, Sheriff's Office, local law enforcement, Prosecutor's Office, health and human services, victim service agencies and community organizations on the Task Force.

BE IT FURTHER RESOLVED that the Chowan County Board of Commissioners Designate, Chowan County Community Child Protection Team as Chairperson of the Task Force and encourages all Commissioners and representatives from County departments that share an interest in preventing these crimes against children to join in this effort.

BE IT FURTHER RESOLVED that the Clerk to the Board of Commissioners is requested to forward copies of this adopted resolution to the National Association of Counties and the National Center for Missing and Exploited Children.

NC Initiatives for Older Citizens

Reverend Jim Huskins the County's representative to the Senior Tar Heel Legislature presented a report on the issues discussed at a session he attended in March. He provided the Board with handouts from the session.

Chairman Cole thanked him for his service to the Sr. Tar Heel Legislature.

Fire Truck – Bid Award

Safety Manager, Doug Belch, presented a bid submitted by Triad Fire, Inc. in the amount of \$217,651 for (1) rescue/service apparatus. Mr. Belch noted that the bids were advertised in the February 27th and March 5th editions of the Chowan Herald for the specified truck. He said that bid packages were mailed out to 7 companies and only one company bid on the project. Mr. Belch recommended that the Board consider award of the bid to Triad Fire, Inc.

Commissioner Goodwin moved that the Board award the bid to Triad Fire, Inc. Chairman Cole asked for all in favor, the motion carried unanimously (7-0).

NCCC refinancing- Resolution

Finance Officer, Lisa Jones presented an option of refinancing the loan for the Northern Chowan Community Center for the Board's consideration. She said that the current rate is 4.89% and the proposed new rate is 3.79% resulting in a savings of \$135,000 over the life of the loan (9 years).

Commissioner Belfield moved that the Board accept the refinancing rate as presented. Chairman Cole asked for all in favor, the motion carried unanimously (7-0).

CWMTF Amendment

County Attorney/Special Projects Officer, Peter Rascoe presented an amendment to Clean Water Management Trust Fund conservation easement on Red Banks Farm, for the Board's consideration. He said that the purpose of the proposed amendment is to clarify that certain passive recreational activities (Soccer, baseball, softball, tennis) may occur on the cleared upland areas of Red Banks Farm. He said that the existing easement does not recognize these permissive activities as being allowed on the property. Mr. Rascoe noted that it is necessary for the Board to agree to the amendment with the easement holder- State of North Carolina.

Commissioner Winslow moved that the Board accept the amendment to the easement. Chairman Cole asked for all in favor, the motion carried unanimously, (7-0).

Public Hearing- Mill Creek Landing

Commissioner Winslow requested that he be recused from voting or discussions of the public hearing for Mill Creek Landing, due to a personal relationship with the application. Chairman Cole asked for all in favor, the motion carried unanimously (6-0).

Planner, Wes Haskett presented a request seeking approval of a Conditional Use Rezoning and Conditional Use Permit, rezoning the property located at 2231 and 2223 Rocky Hock Road from A-1 Agricultural to CU-R-15 Conditional Use Residential District to allow for a 26 lot subdivision off of Rocky Hock Rd. Mr. Haskett then read the staff report into the record

STAFF REPORT

To: Chowan County Planning Board
Date: March 18, 2008
Case: CC-CURZ-08-01
Prepared By: Wes Haskett, Planner I

GENERAL INFORMATION

Applicant: Top Sale Construction Inc.
431 S. Broad St.
Edenton, NC 27932
482-5121

Property Owner: Top Sale Construction Inc.
431 S. Broad St.
Edenton, NC 27932
482-5121

Subject Property: 2223 and 2231 Rocky Hock Road

Adjoining Property Owners: (SEE ATTACHED LIST)

Requested Action: ~ Conditional Use Rezoning from A-1, Agricultural District to CU-R-15, Conditional Use Residential District.

Tax PIN #: 6888-00-60-1447, 6888-00-50-8101

Location: Rocky Hock Road
Size: 20.45 acres and 1.5 acres
Existing Zoning: A-1, Agricultural
Existing Land Use: "Community"

Surrounding Land Use & Zoning:

North- Community; A-1, Agricultural (Farmland/Woodland & Single-Family homes)
South- Community; A-1, Agricultural (Farmland/Woodland & Single-Family homes)
East- Community; A-1, Agricultural (Farmland/Woodland & Single-Family homes)
West- Community; A-1, Agricultural (Farmland/Woodland & Single-Family homes)

Land Use Plan:

Major Goals & Objectives: *LAND USE*

- Plan for an integrated mix of residential, commercial, and industrial uses which will provide suitable housing, shopping, recreation, and employment opportunities, while recognizing an expanding tourism marketplace.
- Identify and promote new land development opportunities which are compatible with and sensitive to the preservation of stable and desirable neighborhoods.
- Ensure that new development can be adequately supported by existing or planned public services and infrastructure.

Land Classification: *COMMUNITY*

- The purpose of the Community Areas classification is to provide for clustered, mixed land uses at low densities to help meet the housing, shopping, employment and other needs in the rural areas of a locality.
- The intent of the Community Areas classification is to encourage the development of appropriate segments of the County in a low density fashion and/or in dispersed clusters within a larger rural landscape with very limited water and sewer services. In some instances, this could be allowed without water and sewer service extension.

Zoning History: None on Record.

Applicable Regulations: Chowan County Development Codes: Subdivision Ordinance; Zoning Ordinance; Article III, Permits & Hearing Procedures and Article XIV, Amendments

ANALYSIS

The applicant seeks a Conditional Use Rezoning of the subject property from A-1, Agricultural District to CU-R-15, Conditional Use Residential District for a 26 lot subdivision off of Rocky Hock Road. The applicant has provided all required materials for preliminary plat review and has attempted to address this request in the attached applications.

In granting a conditional use permit, reasonable requirements may be attached to the permit in addition to this specified below that will ensure the development in its proposed location: 1) Will not materially endanger the public health or safety; 2) Will not substantially injure the value of adjoining or abutting property; 3) Will be in harmony with the area in which it is located; and 4) Will be in conformity with the Land Use Plan or other plan officially adopted by the Board of Commissioners. Please note that all zoning decisions must include a statement of consistency with the Land Use Plan (per NC General Statutes effective January 1, 2006).

RECOMMENDATION

The Land Use Plan identifies this area as Community. All applicable regulations of the Chowan County Development Codes and staff concerns that are applicable to this project have been identified. The planning staff recommends approval with the following conditions for consideration:

1. Prior to the filing of a final plat, the developer shall either install or post a bond to provide for all necessary *traffic improvements* (according to NCDOT cost estimates); for *interior roads* (built to NCDOT standard); for *utility connections* (water built to County standard & sewage treatment built to State standard); and for *drainage/storm-water detention* improvements.
2. Storm water / drainage shall meet NCDOT and NCDENR regulations.
3. All proper NCDOT permits required for accesses to Rocky Hock Creek Road shall be issued.
4. All details/improvements shall be installed/constructed according to Chowan County Development Code requirements.

Chairman Cole asked the applicant if he had anything to add to his request.

Mr. Waldo Winslow said that he did not have anything else to add.

Commissioner Downum then moved that the Board hear both requests as one public hearing and requested that the Board go into the public hearing for the Conditional Use Permit and the Conditional Use Rezoning. Chairman Cole asked for all in favor the motion carried unanimously (6-0 Commissioner Winslow, recused)

Chairman Cole asked if there was any public comment on the application.

There was none.

Commissioner Alligood moved to close the public hearing and allow Board deliberation. Chairman Cole asked for all in favor, the motion carried unanimously (6-0 Commissioner Winslow recused).

Commissioner Alligood asked if the roads required bonding.

Mr. Haskett said that DOT was present at the Technical Review Committee meeting and stated that they did not anticipate any problems.

There was no further discussion from the Board.

Commissioner Alligood moved that the proposed rezoning is consistent with the current Chowan County Land Use Plan. Chairman Cole asked for all in favor, the motion carried unanimously (6-0 Commissioner Winslow recused).

Commissioner Downum moved to approve the Conditional Use rezoning to include all staff conditions as referenced in the Staff report. Chairman Cole asked for all in favor, the motion carried unanimously (6-0 Commissioner Winslow recused).

Commissioner Alligood moved to approve the Conditional Use Permit request to include all staff conditions as referenced in the Staff report. Chairman Cole asked for all in favor, the motion carried unanimously (6-0 Commissioner Winslow recused).

Schedule Board of Equalization and Review

Chairman Cole noted that the Tax Administrator requests that the Board of Commissioners schedule a meeting of the Board of Equalization and Review for the May 5th meeting at 9:00a.m.

Commissioner Winslow moved that the Board of Equalization and Review be scheduled for May 5th at 10:00am. Chairman Cole asked for all in favor, the motion carried unanimously (7-0).

Interlocal Agreement-Stormwater Lobbyist

Mr. Copeland presented an agreement for the Board's consideration between Beaufort and Chowan County for Chowan County to assume Chowan County's expense for Stormwater Lobbyist.

Commissioner Belfield moved that the County enter into the agreement. Chairman Cole asked for all in favor, the motion carried unanimously (7-0).

STATE OF NORTH CAROLINA
COUNTY OF BEAUFORT and County of Chowan

INTERLOCAL AGREEMENT-Stormwater Lobbyist

THIS AGREEMENT, made, entered into, and effective as of the 7th day of April, 2008, by and between the **County of Chowan**, hereinafter referred to as "Chowan County," a local government unit and body politic, located in and created by the State of North Carolina, and **BEAUFORT COUNTY**, hereinafter referred to as "Beaufort County," a local government unit and body politic, located in and created by the State of North Carolina.

RECITALS:

THAT WHEREAS, Beaufort County executed on March 27, 2008 the attached contract with McCLEES CONSULTING, INC. for representation during the entirety of the upcoming short session of the North Carolina General Assembly and any subsequent months to equal to a length of service not to exceed six (6) months for a sum of \$60,000; and

WHEREAS, Chowan County and Beaufort County agree that this representation is necessary given the risk to property rights and the development potential in both counties should the proposed amendments to 15A NCAC 02H .1005 STORMWATER REQUIREMENTS COASTAL COUNTIES become law; and

WHEREAS, Beaufort County is willing to assume responsibility for \$30,000 of the entire sum of \$60,000 regardless of the number of rural Northeastern Counties that have interest in such representation; and

WHEREAS, Chowan County is willing to share the responsibility of the remaining \$30,000 proportionate to the population of said County provided at least three of the following five counties (*Bertie, Perquimans, Washington, Chowan, or Hertford*) other than Beaufort choose to participate resulting in a total participation of at least four (4) counties of the six named herein; and

WHEREAS, Beaufort County will invoice each participating county at the conclusion of the six months of representation provided by McCLEES CONSULTING, INC. only for actual expense defined by the participation of partner counties; and

WHEREAS, the Beaufort County Manager is obligated to facilitate a conference call update with the managers from participating counties and McCLEES CONSULTING, INC. at least one time each month during the six months of representation commencing on April 1, 2008; and

NOW, THEREFORE, in consideration of the conditions set out above Chowan County and Beaufort County enter into

this agreement by majority vote of the elected body in each County.

THIS AGREEMENT is executed in duplicate originals, one to be retained by each party.

IN WITNESS WHEREOF, the County of Chowan and the County of Beaufort have caused this Agreement to be executed as of the day and year first above written.

COUNTY OF Chowan

By: Ralph Cole, Chairman

COUNTY OF BEAUFORT

By: _____, Chairman

Estimate of Per Capita Expense for Stormwater Lobbyist Representation Assuming Participation of Certain Counties

Amount of total liability for all counites combined: \$30,000

| COUNTY | 2007 Pop. | % shared | Liability |
|--------------|---------------|---------------|-----------------|
| BERTIE | 19,355 | 23.1% | \$6,937 |
| CHOWAN | 14,664 | 17.5% | \$5,256 |
| WASH | 13,360 | 16.0% | \$4,789 |
| HERTF | 23,878 | 28.5% | \$8,559 |
| PERQUI | 12,442 | 14.9% | \$4,460 |
| TOTAL | 83,699 | 100.0% | \$30,000 |

Manager's Report

Mr. Copeland gave an update on the Safety Committee activities, a gang prevention social worker grant that was awarded and an update on the Grand Opening of the Public Safety Center.

Public Comment

There was none.

There being no further business before the Board, the meeting was adjourned.

Ralph Cole
Chairman

L. Susanne Stallings
Clerk to the Board

Bill Gardner
Commissioner
(minutes for Executive Session)

(SEAL)