

Regular Meeting
Monday, April 1, 2019
6:00pm
Chowan County Public Safety Center
305 West Freemason St.
Edenton, NC

This meeting was recorded. A copy of the recording is in the meeting file labeled April 1, 2019.

Present Chair Patti Kersey, Commissioners Greg Bonner, Ron Cummings, Don Faircloth, Bob Kirby and Ellis Lawrence

Commissioner Larry McLaughlin was absent.

Staff present County Manager Kevin Howard, Finance Officer Cathy Smith, County Attorney Lauren Arizaga-Womble and Board Clerk Susanne Stallings.

Regular Meeting

Chair Kersey called the regular meeting to order and led all in the pledge of allegiance.

Commissioner Kirby then provided the invocation.

Approval of Draft Agenda

Commissioner Bonner moved to approve the agenda as presented. Chair Kersey asked for all in favor, the motion passed unanimously (6-0).

Public Comment

Chair Kersey opened the floor for public comment. There was none.

Consent Agenda

a. **Minutes**

Minutes of March 8, 2019 and March 18, 2019.

Chair Kersey noted a correction to the minutes of March 18th.

Commissioner Kirby moved to approve the minutes as amended. Chair Kersey asked for all in favor, the motion passed unanimously (6-0).

b. **Tax Refunds/Releases**

Fisher, T.	\$194.00	Paid Twice
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Commissioner Faircloth move to approve the tax refunds and releases as presented. Chair Kersey asked for all in favor, the motion passed unanimously (6-0).

Metropolitan Community Health Services

Chair Kersey stated that a representative from Metropolitan Community Health Services, Michael McDuffie has requested the opportunity to speak to the Board regarding a recent request for a letter of support for the location of a clinic in Chowan County.

Mr. McDuffie stated that he was concerned recently when he received a letter from the County Manager stating the Board has withdrawn support for the proposed clinic in Edenton. He stated the proposed clinic is a “Federally Qualified Health Center” (FQHC) which receives federal funding. He stated the clinic provides services to the most under served in the community. He stated there is a sliding fee scale. He stated that FQHCs were established in 1960 in the United States and currently there are over 1,300 FQHCs operating in the US. He stated they offer primary care services to all populations. He stated the Board was told by the Health Department Director Battle Betts that the FQHC would only take insured patients and that they would send those without insurance to the Health Department. He stated the fee schedule for those without health insurance is \$35. He stated the federal monies received allow them to charge this low copay to those without insurance. He stated the clinic would provide services not offered by the Health Department such as primary care, dental, mental health or pharmacy benefits. He provided an example of how he is diabetic and has to take insulin. He stated that the insulin that costs him \$350 is \$30 at the FQHC. He stated the cost is low because the FQHC is not trying to make a profit. He stated the savings are passed on to the community. He stated the Health Department is not offering the same services as proposed for the FQHC. He stated he has a meeting scheduled with the Health Department Director to discuss the matter. He noted the Health Department does do HIV and STD testing which the FQHC does not do. He stated the Health Department provides preventative services, family planning, OBGYN and case management. He stated that these patients will be referred to the Health Department. He stated he was there to request support for the project in Edenton. He noted the FQHC partners with local law enforcement and provides Narcan which is the drug used for opioid overdose treatment. He stated this community needs these services. He added if the patient does not have a means to pay the \$35 they are not turned away. He noted he works closely with the Beaufort County Health Department and they provide testing in the Beaufort facility.

Commissioner Cummings asked for more information to back up the statements from Mr. McDuffie.

Mr. McDuffie provided the Board with a project abstract handout. A copy of the handout is in the meeting file labeled April 1, 2019. He also noted the proposed location of the Edenton Clinic would be in the space previously occupied by the Board of Education.

Commissioner Cummings asked about financial responsibility.

Mr. McDuffie stated the monies are federal funds. He stated the County and State do not fund the FQHC. He stated they prepare a grant application and the funding will not be approved without a letter of support from the County Government.

Commissioner Cummings asked what happens with the federal monies stop.

Mr. McDuffie stated that the funds have been in place since 1960.

Commissioner Cummings asked how much counties are paying for the FQHCs.

Mr. McDuffie stated that Washington and Martin Counties are not paying. He stated that Beaufort County gives \$25,000 annually for support because there are no dental services. He

stated the FQHC does not ask for County funds. He stated the FQHCs that receive County funds use those monies for patient needs (copays or other services needed).

Commissioner Faircloth asked if the grant monies pay for retrofit of the building.

Mr. McDuffie stated that the grant monies pay for operations. He stated the grant cannot be used for capital. He explained the grant process which is every three years and is competitive. He noted there are some FQHCs which have been in operation for over 50 years. He noted that the data shows that Chowan County with 58% of the population as uninsured/vulnerable. He stated there is a need in Chowan County for the services of an FQHC. He noted that Metropolitan Health has been in operation since 1998.

Commissioner Faircloth asked what happens if the funds dry up.

Mr. McDuffie stated that there is nothing the County is responsible for. He stated he is only asking for bipartisan support from the Board of Commissioners.

Commissioner Lawrence asked if this has to be renewed every three years.

Mr. McDuffie stated yes.

Commissioner Lawrence asked if it ends if not funded.

Mr. McDuffie stated yes.

Commissioner Cummings asked if Metropolitan is a nonprofit.

Mr. McDuffie stated yes.

Commissioner Bonner asked about services provided by the Emergency Department for the uninsured.

Mr. McDuffie stated the ER is “treat and street” he stated they do not provide primary care or prescriptions.

Chair Kersey called on the ARHS Health Department Director Battle Betts to provide comments from the Health Department.

Mr. Betts stated that he stands by his comments at the previous meeting. He stated this is a duplication of services. He stated the County should look at the Health Department appropriation in other counties where an FQHC is located. He noted the Health Department has a telemedicine program in place. He stated he works for the Counties and his responsibility is to look at the cost to the tax payers. He requested the Commissioners deny the request for support.

Chair Kersey asked if there is a population not served by the Health Department.

Mr. Betts stated they do not provide dental services and noted that was turned over to the dental program from ECU. He noted he did not agree with the estimates that Chowan County has 58% uninsured. He stated the numbers are most likely 12%.

Chair Kersey asked if the Health Department currently has any FQHC that are in their service Counties.

Mr. Betts stated that Hertford County recently joined ARHS and there is a center the RCC Health Center. He stated that center is well ran and has been a good partner. He noted the Gateway Clinic in Tyner has also been a good partner.

Chair Kersey asked if Mr. Betts and Mr. McDuffie will meet.

Mr. Betts stated they were trying to meet that week but stated he has frustration with the misinformation that has been shared with the Board. He stated he will not sign a letter of support.

Chair Kersey stated the matter is difficult to understand. She recommended the Manager contact other Counties to see what they have in place the impact on their services.

Mr. Betts noted that Martin County appropriated \$400,000 for their Health Department and Chowan County currently appropriates \$61,500 annual. He stated that Metropolitan asked for monies from the County for one of their centers. He sated this center is not trying to partner and added this is not in the best interest for Chowan County.

The Board by consensus agreed to have the County Manager look into this further and bring the information back to the Board.

ABC Resolution

ABC Board Chair Haywood Coston and Board member Win Dale presented the Board with a resolution for the Board's consideration.

Mr. Dale stated the resolution is in opposition to the privatization of the ABC system in North Carolina.

Commissioner Lawrence asked for clarification on the reference to Washington State in the resolution.

Mr. Dale stated they privatized and this was to show the impact of privatization.

Chair Kersey asked about the stipulations on the PED "modernization" and asked if there was anything that they would like to see.

Mr. Dale reviewed the list, he noted that many do not apply to Chowan and others were ok.

Commissioner Faircloth moved to adopt the resolution as presented. Chair Kersey asked for all in favor, the motion passed unanimously (6-0).

**RESOLUTION
IN SUPPORT OF THE CURRENT ABC CONTROL SYSTEM
FOR THE SALE OF LIQUOR**

WHEREAS, the citizens of the County of Chowan voted to permit the sale of liquor through the establishment of an ABC Board, which is a part of the North Carolina's control system for the sale of spirituous liquors;

WHEREAS, North Carolina is a "control" state and private retail liquor stores are prohibited;

WHEREAS, the General Assembly's nonpartisan Program Evaluation Division (PED) was directed to examine whether other systems for alcohol beverage control, including privatized systems, are appropriate for North Carolina, specially to include the State of Washington, which recently changed its beverage control system from state government control of wholesale and retail control of spirituous liquor to a licensure model;

WHEREAS, The PED Report, "Changing How North Carolina Controls Liquor Sales Has Operational, Regulatory, and Financial Ramifications", released on February 11, 2019, (1) did not recommend privatization, (2) found that among the southeastern states, NC collects the most revenue per gallon, has the lowest outlet density and has the second lowest per capita consumption; and (3) the PED expects retail liquor consumption to increase by 20% with privatization.

WHEREAS, for fiscal year ending 2018, local ABC boards distributed \$430,635,861: County-City Distributions \$80 million; State General Fund \$323 million; Local Alcohol Education/Treatment \$13 million; Local Law Enforcement \$8.8 million; Rehabilitation Services \$5 million; Operation of ABC Commission/Warehouse \$17.7 million.

WHEREAS, North Carolina is unique as it allows communities to vote to establish local ABC boards for the sale of liquor in their communities, with liquor profits distributed back to those communities, thereby reducing the need to increase local property taxes.

WHEREAS, the citizens of the County of Chowan, in voting to permit the operation of ABC stores, did not vote to allow spirits to be sold in private retail liquor stores and did not vote to allow spirits to be sold retail outlets where beer and wine are sold;

WHEREAS, No State funds are spent to distribute or sell liquor as the state and local operation of the ABC system is receipt supported;

WHEREAS, Of the 50 states, North Carolina ranks 44th lowest in consumption per capita and 7th highest in revenue per capita and NC's ABC system accomplishes both revenue and public health, welfare and safety objectives;

WHEREAS, when Washington State privatized its liquor system the number of retail outlets increased from 328 to over 1400, hours of sale/week increased from 73 to 140 hours, and Washington State received only \$30.75 million from auctioning off the rights to apply for retail spirits permits at 167 stores;

WHEREAS, privatization will result in a marked increase in the number of outlets, longer hours of sale, greater advertising and more promotion and significantly more consumption; and the 9,000 outlets in NC that sell beer/wine off-premises could be permitted to sell liquor in a privatized system;

WHEREAS, local revenue from ABC stores operations is important to the County;

WHEREAS, local control over the sale of liquor is an important function.

NOW THEREFORE, BE IT RESOLVED That the County of Chowan desires to retain North Carolina's current control system for the sale of liquor and believes that privatization of liquor will lead to many adverse effects.

Habitat Donation

Mr. Howard stated that Habitat for Humanity has indicated they would like to donate property to the County. The property is adjacent to Fisher Field. The Board will consider acceptance of this donation. He stated the Recreation Department could use this for parking in the future. Tax PIN 7805-16-84-1469.

Commissioner Faircloth noted that Habitat will assume the costs for the transfer of the property.

Commissioner Kirby moved to accept the donation from Habitat. Chair Kersey asked for all in favor, the motion passed unanimously (6-0).

Pyrotechnics Resolution

Board Clerk Susanne Stallings stated that earlier this year the Board discussed a method to approve routine pyrotechnics displays in Chowan County. Often there is request prior to a regular scheduled meeting of the Board resulting in the Board having to call a special meeting to approve the display. Some counties in the State delegate this authority to their Fire Inspector or Fire Marshall. The attorney and staff have drafted a resolution along with a memo from the Fire Inspector which indicates the responsibilities delegated to the Fire Inspector for the display review for the Board's review and consideration. She noted the only company listed by the Fire Inspector was "Shot in the Dark Pyrotechnics".

County Attorney Lauren Arizaga-Womble stated that the memo will expire one year from today. She stated that new applications will have to come before the Board and the memo will have to be updated next year.

Commissioner Lawrence moved to approve the attached resolution and memo from the Fire Inspector. Chair Kersey asked for all in favor, the motion passed unanimously (6-0).

WHEREAS, Article 54 of the North Carolina General Statutes authorizes the sale, use and manufacture of pyrotechnics in North Carolina under certain conditions and;

WHEREAS, North Carolina General Statute 14-413 states that the Board of County Commissioners of any county, may issue permits for use of pyrotechnics in their respective county and;

WHEREAS, Chowan County receives numerous requests for permits for pyrotechnic displays to be held at the John A. Holmes High school campus and other functions throughout Chowan County, and;

WHEREAS, at this time the applicant and Fire Inspector present these requests to the County Commissioners for their approval on a case by case basis, and;

WHEREAS, there have been occasions that the Commissioners have received a request when there is no Commissioner meeting scheduled before the event for permit approval, and;

WHEREAS, all individuals who exhibit, use, handle, or discharge pyrotechnics pursuant to North Carolina General Statute 14-413 in Chowan County, shall comply with the following:

- 1) Comply with all federal, state, and local laws.
- 2) Complete training and licensing required under Article 82A of Chapter 58 of the General Statutes and provide verification of the same.
- 3) Display operator or proximate audience display operator, as required under Article 82A of Chapter 58 of the General Statutes, must be present at the event and must personally direct all aspects of exhibiting, using, handling, or discharging the pyrotechnics.
- 4) Display operator shall provide proof of insurance in the amount of at least five hundred thousand dollars (\$500,000) or the minimum amount required under the North Carolina State Building Code pursuant to G.S. 143-138(e), whichever is greater.
- 5) Display operator shall submit a copy of the site plan and a letter from the land owner(s) authorizing the display.

WHEREAS, the Chowan County Fire Inspector has proposed the Board approve a list of pyrotechnic companies that periodically request said permits within the County for which the Fire Inspector will be responsible to review and approve applications for use of pyrotechnics within the County pursuant to federal, state, and local requirements including but not limited to NCGS 14-410, et seq.

NOW THEREFORE BE IT RESOLVED, the Board agrees the Chowan County Fire Inspector has the training and expertise to review and approve permits as requested.

NOW THEREFORE BE IT RESOLVED, delegates pyrotechnic permit review and approval to Walter Copeland, in his capacity as Chowan County Fire Inspector.

NOW THEREFORE BE IT RESOLVED, Walter Copeland shall review all pyrotechnic permit applications and only approve those which comply with the following:

- 1) Comply with all federal, state, and local laws.
- 2) Complete training and licensing required under Article 82A of Chapter 58 of the General Statutes and provide verification of the same.
- 3) Display operator or proximate audience display operator, as required under Article 82A of Chapter 58 of the General Statutes, must be present at the event and must personally direct all aspects of exhibiting, using, handling, or discharging the pyrotechnics.
- 4) Display operator shall provide proof of insurance in the amount of at least five hundred thousand dollars (\$500,000) or the minimum amount required under the North Carolina State Building Code pursuant to G.S. 143-138(e), whichever is greater.
- 5) Display operator shall submit a copy of the site plan and a letter from the land owner(s) authorizing the display.

NOW THEREFORE BE IT RESOLVED, the Board shall review the list of pyrotechnic companies submitted by the Chowan County Fire Inspector annually for approval;

NOW THEREFORE BE IT FURTHER RESOLVED, all pyrotechnic companies not included on the list will be required to appear before the Board of Commissioners at a regular meeting prior to the event to be considered for approval.

Adopted this the 18th day of March, 2019.



CHOWAN COUNTY, NORTH CAROLINA

P.O. Box 1030
Edenton, NC 27932
(252) 482-8431
(252) 482-4925 fax

TO: Susanne Stallings, Clerk
FROM: Walter Copeland, Chowan County Fire Inspector
DATE: March 22, 2019
RE: Pyrotechnics Display

Our office receives numerous requests for permits for pyrotechnic displays to be held at John A. Holmes High School Campus and many other functions throughout our county. At the present time, the applicant presents each of these requests to the County Commissioners for their approval to issue the required permit. There have been some occasions that we have received requests, but no Commissioners Meeting is scheduled before hand for permit approval.

We would like to present a request to the Commissioners to approve a listing of pyrotechnic companies that periodically request permits. Upon their approval of the listing, we could then issue the requested/required permits at any time during the remainder of the year. If we should have a company request a permit that is not on the listing, we would then bring that request to the County Commissioners for their approval. We would submit a new listing for approval each year of pyrotechnic companies for the issuance of permits in that year.

Below, please find the list of companies we would like to submit at this time through the end of the year 2019.

Pyrotechnic Companies for Permits:

Shot in the Dark Pyrotechnics LLC
2800 Virginia Rd.
Tyner, NC 27980
252-221-8665

DF Walker Roof Repair

Mr. Howard provided the Board with an amended price for the repairs of the flat roof at the DF Walker Gym. The amendment results in a cost reduction of \$21,180. He stated this does not include the guttering on the IT building roof that will be done the next fiscal year.

Commissioner Kirby moved to approve the bid as presented. Chair Kersey asked for all in favor, the motion passed unanimously (6-0).

IT Director Position Amendment

The Manager presented a proposal to amend the IT Director position to combine it with the position of Emergency Management Director. He stated there are currently two part time positions in the IT department. He stated he would like to turn those into one full time position. He noted in his memo that with the salary and benefits being paid from the Emergency Management fund this change can be made without any increase to the county. He stated this will be a higher level of service without an increase in cost.

Commissioner Lawrence moved to approve the Manager's recommendation. Chair Kersey asked for all in favor, the motion passed unanimously (6-0).

External Board/Committee Report

Chair Kersey asked for any external boards or committee reports, there were none.

Manager's Report

County Manager Kevin Howard updated the Board on the following:

- Update on Dillard's Millpond project, moving forward. A memo is in the meeting file with an update (in meeting file labeled April 1, 2019).
- The County was approved for the asset inventory grant for the Water Department
- Senior Center roof work is complete (north and south side).
- The Northeast Alliance has requested funding from the County (membership fee) this will be included in the FY 2019-20 budget discussions. The estimated cost is \$4,000.
- Schedule for Budget Meetings, Board members will send the Clerk any conflicts in their schedules for the weeks of April 15th, 22nd and 29th.

Timely and Important Matters

Sound Equipment

Commissioner Lawrence asked what the status of the equipment repairs was.

Ms. Stallings stated there is an estimate in the FY 2019-20 budget request.

Zoning Ordinance

Commissioner Kirby noted he provided the Board with notes at the March 18th meeting on recommended amendments to the zoning ordinance specifically with regards to solar development. He stated he would like to send this to the Planning Board for review.

After discussion it was decided to place the matter on the April 15th agenda for the full Board to discuss and vote.

Closed Session

Commissioner Cummings moved that the Board go into closed session, in accordance with NCGS 143-318 (11) (a) (3) attorney client privilege. Chair Kersey asked for all in favor, the motion passed unanimously (6-0).

The minutes of the closed session are sealed.

Commissioner Cummings moved to come out of closed session. Chair Kersey asked for all in favor the motion passed unanimously (6-0).

Adjourn

Being no further business, Commissioner Kirby moved to adjourn the meeting. Chair Kersey asked for all in favor, the motion passed unanimously (6-0).

Patti F. Kersey, Chair

Susanne Stallings, Clerk