

**Special Meeting**  
**Monday, August 5, 2019**  
**Chowan County Public Safety Center**  
**305 West Freemason Street**  
**5:00pm**

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

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

**Closed Session**

It is recommended that the Board go into closed session, in accordance with NCGS 143-318 (11) (a) (3), attorney client privilege and to discuss Opioid litigation.

Chair Kersey called the special meeting to order.

Commissioner Bonner moved to go into closed session in accordance with NCGS 143-318 (11) (a) (3), attorney client privilege and to discuss Opioid litigation.

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

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 (7-0)

Commissioner Faircloth moved to adjourn the special meeting. Chair Kersey asked for all in favor, the motion passed unanimously (7-0).

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Patti F. Kersey, Chair

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Susanne Stallings, Clerk

**Regular Meeting**  
**Monday, August 5, 2019**  
**Chowan County Public Safety Center**  
**305 West Freemason Street**  
**6:00pm**

This meeting was recorded. A copy of the recording is in the meeting file labeled August 5, 2019.

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

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

**Call To Order**

Chair Kersey called the regular meeting to order. She then called on Daniel Knott and Hunter LaFon. Mr. LaFon stated that he and Mr. Knott are working on a communications badge and are members of Boy Scout Troop 164. They then lead the pledge.

Commissioner Cummings offered the invocation.

**Approval of Draft Agenda**

Board Clerk Susanne Stallings noted that the Manager has requested a closed session at the end of the agenda in accordance with NCGS 143-318-11.a.4 Economic Development.

Commissioner Cummings noted he would recommend removing Item #9 and asked that it be considered on the August 19<sup>th</sup> agenda.

Chair Kersey stated that currently it is unknown what is on the August 19<sup>th</sup> agenda

Commissioner Cummings stated he would like it soon on a future agenda.

Commissioner Kirby moved to approve the draft agenda with amendments. Chair Kersey asked for all in favor, the motion passed unanimously (7-0).

**Public Comment**

Coleen Karl 219 East Queen Street stated she was representing the Chowan Edenton Environmental Group. She stated that the group has a meeting planned for August 24<sup>th</sup> to discuss potential grant monies to further study algal blooms.

There was no further public comment.

**Budget Amendments**

**BA1920-002**

Account Number	Account Description	Revenue (Inc+/Dec-)	Expense (Inc+/Dec-)
<b>Discretionary Income</b>			
<b>Register of Deeds</b>			
11-4180-298-00	*Dept Supplies - Auto Pres		12,383.79
11-4180-440-00	*Cont Serv - Automation/Pres		8,890.29
11-4180-511-00	*C/O - Auto/Pres		19,360.79
11-3990-990-01	FB Appropriation - ROD	40,634.87	
<b>Senior Center</b>			
11-4268-299-01	*Activities - Dept Supplies		2,510.88
11-4268-312-00	*Trips - SR. Citizens		16,927.13
11-4268-352-02	*Healthways		22,961.49
11-4268-604-00	*Fundraiser		1,532.25
11-4268-904-01	*Donations - Home Del Meal		21,563.30
11-3990-990-02	FB Appropriation - Senior Center	65,495.05	
<b>Sheriff</b>			
11-4317-298-00	*Project Lifesaver		1,838.00
11-4316-440-00	*Sheriff Executions		2,164.01
11-4317-440-00	*Donation - Expenses		665.91
11-4317-441-00	*State Special Expenses		16,169.73
11-4317-442-00	*Federal Special Funds		3,226.31
11-4317-443-00	*Kids & Cops		14,935.10
11-4317-444-00	*Diving - Expenses		1,544.11
11-3990-990-03	FB Appropriation - Sheriff	40,543.17	
<b>Soil &amp; Water</b>			
11-4730-691-00	*Aquatic Weed Erad-Resid		602.44
11-4730-692-00	*Vol Agricultural Distr		888.00
11-3990-990-05	FB Appropriation - S&W	1,490.44	
<b>Agriculture Extension</b>			
11-4950-600-00	*SHIIP Grant		15.41
11-4952-600-00	*Hospital Foundation Grant		494.83
11-4952-601-00	*Pesticide Grant		123.00
11-4953-440-00	*AG Program Expenses / Discretionary		6,359.49
11-4953-441-00	*4-H Council Program Expenses		215.00
11-4953-445-00	*4-H United Way		1.06
11-4953-448-00	*4-H Fees / Discretionary		5,903.01
11-4953-449-00	*Livestock Show & Sale		65,936.27
11-4953-450-00	*ECA Discretionary		983.08
11-3990-990-06	FB Appropriation - Coop	80,031.15	
<b>Recreation</b>			
11-5230-443-01	*JCPC Meals		1.29
11-6130-299-01	*Donations - Departmental Supplies		6,196.01
11-6132-453-00	*Recreation Special Events		14,215.12
11-3990-990-08	FB Appropriation - Recreation	20,412.42	
<b>Animal Shelter</b>			
11-4381-441-00	*Contract Serv - Spay/Neuter		5,546.58
11-4381-600-00	*Donations Expense		33,636.30
11-4381-602-00	*Donations from Advertising		381.93
11-3990-990-11	FB Appropriation - Animal Shelter	39,564.81	
<b>DSS</b>			
12-5310-450-00	*DSS Special Events		89.82
12-3990-990-01	FB Appropriation - DSS	89.82	
<b>EMS</b>			
60-4370-499-00	*Donations - Rescue Squad		1,286.95
60-3990-990-01	FB Appropriation - Rescue Squad	1,286.95	
60-4370-499-00	*Donations - Rescue Squad		3,942.70
60-3990-990-01	FB Appropriation - Rescue Squad	3,942.70	
<b>Grant Income</b>			
<b>Planning</b>			
11-4910-696-01	AMH Removal Grant		2,921.00
11-3990-990-07	FB Appropriation - Planning	2,921.00	
<b>Emergency Mgmt</b>			
11-4330-609-00	Training & Exercise Grant		6,019.07
11-4330-611-00	HS GP Active Shooter Grant		3,250.00
11-3990-990-04	FB Appropriation - Emergency Mgmt	9,269.07	
<b>Senior Center</b>			
11-4268-601-00	Albemarle Comm. Health Promotion		2,549.49
11-3990-990-02	FB Appropriation - Senior Center	2,549.49	
<b>Soil &amp; Water</b>			
11-4730-608-00	Stream Debris Removal Grant		12,238.70
11-3990-990-05	FB Appropriation - S&W	12,238.70	
<b>Recreation</b>			
11-6132-620-01	NC Coastal Management Grant		5,402.72
11-3990-990-08	FB Appropriation - Recreation	5,402.72	
<b>Cooperative Extension</b>			
11-4953-451-00	Community Benefit Health Grant		982.31
11-4953-452-00	Grow to Eat Grant		326.08
11-3990-990-06	FB Appropriation - Cooperative Ext.	1,308.39	
<b>Fire Districts</b>			
23-4341-620-00	Vidant Health Foundation Grant		14.87
23-3990-990-00	FB Appropriation - Fire Districts	14.87	
	Balanced	327,195.62	327,195.62
<b>Justification:</b>			
<i>To amend the 2020 budget to include carry-forward balances for Discretionary and Grant Income for 2019</i>			

**BA1920-003**

Account Number	Account Description	Revenue (Inc+/Dec-)	Expense (Inc+/Dec-)
<b>TDA</b>			
51-8150-826-00	*Music & Water Festival		7,524.87
51-3990-990-01	FB Appropriation - Music & Water Festiv	7,524.87	
	Balanced	7,524.87	7,524.87
<b>Justification:</b>			
<i>To amend the 2020 budget for TDA to include carry-forward balances for Discretionary funds from 2019</i>			

**BA1920-004**

Account Number	Account Description	Revenue (Inc+/Dec-)	Expense (Inc+/Dec-)
<b>Maintenance</b>			
11-4240-352-02	Maintenance & Repairs - Software		5,073.00
11-8200-186-00	Insurance - Workers Compensation		(5,073.00)
	Balanced	-	-
<b>Justification:</b>			
<i>To amend the 2020 budget to include the annual maintenance agreement for Dude Solutions. Monies are being transferred between line items to cover the expenditure.</i>			

**BA1920-005**

Account Number	Account Description	Revenue (Inc+/Dec-)	Expense (Inc+/Dec-)
<b>Sheriff's Office</b>			
11-4317-440-00	*Donations Expense		(60.00)
11-4317-443-00	*Kids & Cops Expense		60.00
	Balanced	-	-
<b>Justification:</b>			
<i>To correct the beginning balance for 2020 for Sheriff's Discretionary Funds.</i>			

Finance Officer Cathy Smith presented the budget amendments. Commissioner Bonner moved to approve the amendments as presented. Chair Kersey asked for all in favor, the motion passed unanimously (7-0).

### **NC Complete Count Commission**

James Cofield, a member of the NC Complete Count Commission provided the Board with a PowerPoint presentation on the objective of the Commission which is to help North Carolina achieve the highest participation rate possible for the 2020 census. A copy of Mr. Cofield's PowerPoint is in the meeting file labeled August 5 2019.

### **Sheriff Request**

Chief Deputy Andy Bunch provided the Board with a request from Sheriff Dwayne Goodwin to utilize the budgeted 2% COLA for the Sheriff Career ladder for Sheriff employees. He noted that himself, Sheriff Goodwin, the 911 Director and the Administrative Assistant are not eligible for the career ladder. He stated that he is requesting to give the 2% COLA to the Administrative Assistant and 911 Director positions. He stated he and the Sheriff will not receive an increase. He stated that utilizing the budgeted monies will cost \$200 less than what was budgeted. He stated this allows the Sheriff to keep the career ladder in place for another year. Deputy Bunch added that monies that were budgeted for the COLA will be moved among the three departments.

Commissioner Kirby asked if there will be an increase before January 1<sup>st</sup>.

Deputy Bunch stated that if anyone is due a step between now and January 1<sup>st</sup> yes.

Commissioner Kirby noted the 2% COLA for all other County employees is not effective until January 1<sup>st</sup>. He stated he has a problem with accelerating anything.

Deputy Bunch stated that suspending the career ladder causes compression issues. He noted that the starting salary in Bertie County for deputies is \$40,000 and he wanted to keep the deputies on the career ladder that is in place.

Commissioner McLaughlin stated he would like to see some graphs or more information on the career ladder program.

Commissioner Faircloth asked for clarification if this is cheaper than what was budgeted.

Deputy Bunch stated yes.

Commissioner Bonner asked do all the employees understand they will not receive the 2% COLA.

Deputy Bunch stated yes, they do. He stated that only people who are due raises on the career ladder will get a raise.

Chair Kersey stated that her concern is that the career ladder is not guaranteed to be funded from year to year.

Deputy Bunch stated the ladder was approved in 2007 and was suspended until it was picked back up in 2015.

Commissioner Kirby discussed his concerns with the career ladder raises being paid out before January. He stated that the COLA was not put in place until January to consider cash flow in the budget. He then moved to approve the Sheriff's request, as presented, however if there are any employees eligible for career ladder adjustments prior to January 2020 the payment be held until January 2020 and be paid retroactive.

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

### **Riversound Appeals**

County Attorney Lauren Arizaga-Womble noted that the Board is asked to consider a settlement agreement between the Board of Commissioners and the Riversound Property Owners Association. She noted that the board removed a 73% buildability discount from the parcels in phase I in 2018. The parcels then returned to their taxable value. The Riversound POA appealed the value change. She stated that after in-depth review the parties have agreed to the settlement agreement. She noted that the list will be updated. The Board is also considering approval of the tax release list as well.

Commissioner Bonner moved to approve the settlement agreement and the list of releases. Chair Kersey asked for all in favor, the motion passed unanimously (7-0).

### **SETTLEMENT AGREEMENT**

This SETTLEMENT AGREEMENT is entered into July 15, 2019 by and between the Chowan County Board of Commissioners (hereinafter the "Board") and the Riversound Property Owners Association (hereinafter "Riversound"), for the certain parcels set forth in Exhibit A attached hereto and incorporated by reference.

WHEREAS, on June 4, 2018, pursuant to N.C.G.S. §§ 105-283, 105-287(2)(b), the Chowan County Board of Equalization and Review ("Board of E&R") removed a 73% buildability discount from the parcels in Phase I of the Riversound Subdivision; and

WHEREAS on June 4, 2018, the Board of E&R returned the Riversound Phase 1 parcels to 98% of their taxable value; and

WHEREAS on July 20, 2018, Riversound appealed the Board of E&R's value change;

WHEREAS certain controversies have arisen with respect to the application of the Chowan County Schedule of Values to Riversound; (hereinafter "controversies") and

WHEREAS the Chowan County Tax Administrator completed an in-depth retrospective analysis for Riversound; and

WHEREAS, the parties engaged in lengthy negotiations and reached an accord and now wish to commit the terms of their accord into this Settlement Agreement; and

WHEREAS, each party has been represented by counsel, has been apprised of its rights regarding the settlement, and enters into the settlement freely and voluntarily.

NOW THEREFORE, in consideration of the premises and mutual promises contained herein, the parties agree as follows:

1. APPLICATION OF NEW VALUES. The Board shall direct the Chowan County Tax Administrator to set the values for Riversound pursuant to the in-depth retrospective analysis set forth in Exhibit B attached hereto and incorporated herein by reference.

2. **ADDITIONAL DOCUMENTS.** The Board shall execute any and all other additional documents as may be reasonably necessary to carry out the terms, conditions and obligations of this Settlement Agreement. The Board shall direct the Chowan County Tax Administrator to immediately apply the aforesaid values and any and all other additional documents as may be reasonably necessary to carry out the terms, conditions and obligations of this Settlement Agreement.
3. **NO ADMISSION OF LIABILITY.** Neither this Settlement Agreement nor anything contained within it shall be admissible in any proceeding as evidence of liability or wrongdoing on the part of either party. However, this Settlement Agreement may be introduced in any proceeding instituted to enforce its terms.
4. **INTEGRATION.** This Settlement Agreement is entered into by each of the parties without reliance upon any statement, representation, promise, inducement, or agreement not expressly contained herein. This Settlement Agreement constitutes the entire agreement between the parties concerning the aforesaid settlement and release of claims.
5. **SEVERABILITY.** If any portions of this Settlement Agreement are held invalid and unenforceable, all remaining portions shall nevertheless remain valid and enforceable, to the extent they can be given effect without the invalid portions.
6. **NEGOTIATED TRANSACTION.** Each of the parties has participated in the drafting and negotiation of this Settlement Agreement. Accordingly, for all purposes, this Settlement Agreement shall be deemed to have been drafted jointly by the parties
7. **COUNTERPARTS.** This Settlement Agreement may be executed in any number of copies, each of which shall be deemed to be a counterpart original.
8. **REPRESENTATION OF AUTHORITY.** Each person signing this Settlement Agreement hereby represents and warrants that he or she has the authority to bind the entity on behalf of which he or she has signed.

### **Water Items**

#### **NC32/37 Project**

Water Director David Tawes noted that he is requesting approval to use Rivers and Associates for the NC 32/37 NCDOT project and future Mexico Road DOT project. Additionally, he stated that staff is requesting permission to utilize Rivers and Associates services for future DOT design projects. He stated that he will also need approval of the NC 37/32 Realignment Water Main relocation project.

Greg Churchill with Rivers and Associates and Fred Stowe were introduced.

Mr. Stowe provided details on the utility engineering agreement and utility relocation agreement as well as project details.

Commissioner Kirby discussed the selection of pipe materials with Mr. Stowe.

Chair Kersey asked if additional easements would be needed.

Mr. Stowe stated that is handled by NCDOT.

Commissioner Faircloth moved to approve the request as presented.

Mr. Tawes noted he is asking for permission to use Rivers and Associates on future NDOT projects.

Mr. Howard stated the Board will be made aware when the projects come up but, in the past, this has been handled by the Engineering firm.

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

#### Water Plant Discharge Update

Mr. Howard stated the County has a draft permit going into the public hearing process.

Mr. Churchill stated that he is working with the Washington office on the draft permit to get questions answered. He stated that it is due by August 24<sup>th</sup>. He stated a public hearing will be advertised where public comment and feedback will be received.

Commissioner McLaughlin asked if they are considering any other discharge locations beside the Harris Landing site.

Mr. Churchill stated that they continue to pursue the modified core-mix model.

Mr. Howard stated that there are other options being considered. He noted the regionalism grant that is coming up. He stated that to date the Town is the only one that has shown interest.

Commissioner McLaughlin asked if the public comment on the Harris Landing Site.

Mr. Churchill stated that they will have an opportunity to come to the public hearing.

Mr. Howard noted the County is currently under the SOC timeline.

#### **Boys and Girls Club Renovation – Public Hearing**

Chair Kersey noted the Board will hold a public hearing to consider an application for approval of an installment purchase contract for the renovation of the Former DF Walker School (Oakum Street) for the space to be leased by the Boys and Girls Club of the Albemarle. The cost is not to exceed \$2 million.

Commissioner Faircloth moved to open the floor to the public hearing. Chair Kersey asked for all in favor, the motion passed unanimously (7-0).

Ms. Stallings noted that there is not anyone signed up to speak. Chair Kersey asked the audience for any public comment, there was none.

Commissioner Cummings moved to close the public hearing. Chair Kersey asked for all in favor the motion passed unanimously (7-0).

Mr. Howard reviewed the resolution.

Commissioner Cummings moved to approve the resolution as presented. Chair Kersey asked for all in favor, the motion passed unanimously (7-0).



## RESOLUTION

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF CHOWAN, NORTH CAROLINA, AUTHORIZING THE FILING OF AN APPLICATION FOR APPROVAL OF A FINANCING AGREEMENT AUTHORIZED BY NORTH CAROLINA GENERAL STATUTE 160A-20

WHEREAS, the County of Chowan, North Carolina desires to make renovations to the former D.F. Walker School building, located at 900 North Oakum Street, Edenton, North Carolina (the "Project") to better serve the citizens of Chowan County; and

WHEREAS, The County of Chowan desires to finance the Project by the use of an installment contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Chowan County, North Carolina, meeting in regular session on the 5th day of August, 2019, make the following findings of fact:

1. The proposed contract is necessary or expedient because the County of Chowan, North Carolina, desires to rent a vacant building to a local organization.
2. The proposed contract is preferable to a bond issue for the same purpose because the county has determined that the time required for a general obligation bond election would cause an unnecessary delay which would thereby cause detriment to completion of The Project.
3. The County hereby determines that the estimated cost of financing The Project reasonably compares with estimates of similar costs under a bond financing for the same undertaking.
4. The County determines that the estimated amount to finance will not exceed \$1,650,000 and such cost exceeds the amount that can be prudently raised from currently available appropriations or unappropriated fund balances.
5. The County of Chowan is not in default under any of its debt service obligations; furthermore, the County maintains strict debt service policies and procedures and will remain in compliance with such policies and procedures.
6. The County does not anticipate a future property tax increase to pay installment financings related to the financing of The Project.
7. The attorney for the County of Chowan will render an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Finance Officer is hereby authorized to act on behalf of the County of Chowan in filing an application with the North Carolina Local Government Commission for approval of the Project and the proposed financing contract and other actions not inconsistent with this resolution.

This resolution is effective upon its adoption this 5th day of August, 2019.

The motion to adopt this resolution was made by Commissioner

Cummings, and passed by a vote of 7 to 0 .

### **Voting Delegate**

Commissioner Kirby moved to appoint Commissioner Cummings as the Chowan County Voting Delegate at the NCACC Annual conference. Chair Kersey asked for all in favor, the motion passed unanimously (7-0).

### **External Board and Committee Report**

#### **Joint School Committee**

Chair Kersey shared the updated timeline from the last committee meeting. She noted that the Superintendent is working to schedule two public hearings to receive public comment on a proposed location (either staying on the current site or relocating elsewhere in the County).

Superintendent Rob Jackson stated the Board of Education briefly discussed securing a Construction Management Firm. He stated this is decided on by the School Board.

Mr. Howard discussed the timeline for Bond Counsel and noted they have to be in place before the referendum.

Commissioner McLaughlin stated that he feels the contract must be qualified for renovation or new construction.

Commissioner Faircloth noted that the public comment is very important in the process. He added that the public hearings will be live streamed and recorded for the potential firms secured later.

Commissioner Kirby discussed hiring a Construction Manager at Risk. He stated that he did not want to only consider the classic method of design/bid/build. He stated that he feels other options should be considered.

Dr. Jackson noted the proposed dates are September 17, 2019 or September 19, 2019. More information will be advertised.

### **Manager's Report**

#### **Senior Center**

Mr. Howard stated he is working on a date for a grand re-opening.

#### **DOT MOA**

DOT is working on a MOA for roadside clean-up after storm events. There will be more information coming soon.

### **Timely and Important Matters**

There were none

### **Closed Session**

Commissioner Kirby moved that the Board go into closed session in accordance with NCGS 143-318-11-a-4 Economic Development. Chair Kersey asked for all in favor, the motion passed unanimously (7-0).

The minutes of the closed session are sealed.

Commissioner Faircloth moved to come out of closed session. Chair Kersey asked for all in favor the motion passed unanimously (7-0).

**Adjourn**

Commissioner Cummings moved that the meeting be adjourned. Chair Kersey asked for all in favor, the motion passed unanimously (7-0)

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Patti F. Kersey, Chair

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Susanne Stallings, Clerk