

Special Meeting
Monday August 5, 2024
4:30pm
Chowan County Public Safety Center
305 West Freemason St.
Edenton, NC

Present: Chairman Bob Kirby, Commissioners, Ron Cummings, Larry McLaughlin and Ellis Lawrence.

Commissioners Chris Evans, Tray Taylor and Alex Kehayes were absent.

Staff present County Manager Kevin Howard and Board Clerk Susanne Stallings and Johnny Hallow (acting attorney).

Closed Session

Commissioner Cummings moved to go into closed session in accordance with NCGS 143-318-11 (a) (3, 5 and 6) attorney client, contract negotiations and personnel. Chair Kirby asked for all in favor, the motion passed unanimously (4-0).

The minutes of the closed session are sealed.

Commissioner Cummings moved to come out of closed session. Chair Kirby asked for all in favor, the motion passed unanimously (4-0).

Adjourn

Commissioner Cummings moved to adjourn. Chair Kirby asked for all in favor, the motion passed unanimously (4-0).

Bob Kirby, Chairman

Susanne Stallings
Clerk

Chowan County Board of Commissioners
Regular Meeting
Monday, August 5, 2024
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, 2024.

Present: Chairman Bob Kirby, Commissioners, Ron Cummings, Tray Taylor, Larry McLaughlin and Ellis Lawrence.

Commissioners Chris Evans and Alex Kehayes were absent.

Staff present County Manager Kevin Howard and Board Clerk Susanne Stallings and Johnny Hallow (acting attorney).

Regular Meeting

Chair Kirby called the regular meeting to order and led in the pledge. He then offered the invocation.

Approval of Agenda

Commissioner McLaughlin moved to approve the agenda as presented.

Chair Kirby asked for all in favor, the motion passed unanimously (5-0).

Public Comment

Chair Kirby opened the floor for public comment.

John Mitchener 1000 W Queen Street spoke regarding the bond referendum discussions for the development of Red Banks Farm as a recreation complex. He encouraged the Board to set aside land to be designated for a future community swimming pool. He discussed the need for assisted living facilities in Chowan.

Gil Burroughs 303 Queen Anne Drive spoke regarding the proposed bond referendum. He stated his support for community swimming pool and stated that the pool should be included in a bond referendum question on the ballot.

Consent Agenda

All items on the Consent Agenda are considered to be routine and may be enacted by one motion. If a County Commissioner requests discussion on an item, the item will be removed from the Consent Agenda and considered separately.

a. Minutes

The Board will review and consider approval of the July 15, 2024 Regular Meeting minutes.

Commissioner Cummings moved to approve the consent agenda as presented. Chair Kirby asked for all in favor, the motion passed unanimously (5-0).

Grant Pre Application Requests

Chowan County Cooperative Extension

Kellie Binnicker with NC Cooperative Extension Service Chowan presented the Board with a request to apply for grant funds from Apex Clean Energy/Timbermill in the amount of \$15,000 to continue the Chowan County Arboretum Outdoor Classroom Project by installing a shade structure over the existing concrete pad located on the property of the Extension Offices.

Board members discussed the materials for the shade.

Commissioner Taylor moved to approve the pre-grant application as presented. Chair Kirby asked for all in favor, the motion passed unanimously (5-0).

Edenton Chowan Recreation Department

Recreation Co-Director Shannon Ray presented the Board with a request to apply for grant funds from Apex Clean Energy/Timbermill in the amount of \$10,000 to make repairs to the bathrooms, concessions and parking lot at Earnhardt field.

Commissioner Cummings moved to approve the pre-grant application as presented. Chair Kirby asked for all in favor, the motion passed unanimously (5-0).

Opioid Settlement Kroger Settlement Resolution

The Board is asked to consider approval of a resolution authorizing the County Manager and County Attorney to execute all documents necessary to enter into opioid settlement agreements with Kroger, to execute the SAAF-2 which will direct resources over multiple years to local governments to be used in an effective way to address the opioid crisis.

Commissioner Cummings moved to approve the settlement resolution as presented. Chair Kirby asked for all in favor, the motion passed unanimously (5-0).

**RESOLUTION BY THE COUNTY OF CHOWAN
AUTHORIZING EXECUTION OF KROGER OPIOID SETTLEMENT AND
APPROVING THE SECOND SUPPLEMENTAL AGREEMENT FOR ADDITIONAL
FUNDS**

WHEREAS, the opioid overdose epidemic has taken the lives of more than 37,000 North Carolinians since 2000; and

WHEREAS, the COVID-19 pandemic has compounded the opioid overdose crisis, increasing levels of drug misuse, addiction, and overdose death; and

WHEREAS, the Centers for Disease Control and Prevention estimates the total economic burden of prescription opioid misuse alone in the United States is \$78.5 billion a year, including the costs of healthcare, lost productivity, addiction treatment, and criminal justice involvement; and

WHEREAS, certain counties and municipalities in North Carolina joined with thousands of local governments across the country to file lawsuits against opioid manufacturers, pharmaceutical distribution companies, and chain drug stores to hold those companies accountable for their misconduct; and

WHEREAS, a settlement has been reached in litigation against the Kroger Co. (“Kroger”) as well as its subsidiaries, affiliates, officers, and directors named in the Kroger Settlement; and

WHEREAS, representatives of local North Carolina governments, the North Carolina Association of County Commissioners, and the North Carolina Department of Justice have negotiated and prepared a Second Supplemental Agreement for Additional Funds (SAAF-2) to provide for the equitable distribution of the proceeds of these settlements; and

WHEREAS, by joining the settlements and approving the SAAF-2, the state and local governments maximize North Carolina’s share of opioid settlement funds to ensure the needed resources reach communities, as quickly, effectively, and directly as possible; and

WHEREAS, it is advantageous to all North Carolinians for local governments, including Chowan County and its residents, to sign onto the settlements and SAAF-2 and demonstrate solidarity in response to the opioid overdose crisis, and to maximize the share of opioid settlement funds received both in the state and this county to help abate the harm; and

WHEREAS, the SAAF-2 directs substantial resources over multiple years to local governments on the front lines of the opioid overdose epidemic while ensuring that these resources are used in an effective way to address the crisis;

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of Chowan County hereby authorizes the County Manager or County Attorney to execute all documents necessary to enter into opioid settlement agreements with Kroger, to execute the SAAF-2, and to provide such documents to Rubris, the Implementation Administrator.

Adopted this the 5th day of August, 2024.

Fire Inspector Approval of Fireworks Displays Annual Request

Ms. Stallings presented the Board with information and the history of a resolution adopted by the Board of Commissioners on April 1, 2019, each year, the Fire Inspector may present the Board with a list of pyrotechnic companies that request frequent permits for fireworks displays within

Chowan County. The Fire Inspector requests that the Board delegate him the authority to review the display applications to ensure all federal, state and local requirements are met and . The list submitted this year contains the name of one company, Shot in the Dark Pyrotechnics. All other pyrotechnic companies will be required to submit approval requests to the Board of Commissioners in a timely manner prior to their scheduled event.

Commissioner McLaughlin moved to approve the recommendation from the Fire Inspector as presented. Chair Kirby asked for all in favor, the motion passed unanimously (5-0).

Parking Space Designation Request

Mr. Howard stated that the adjoining property owner to John A. Holmes High School (Broad Street parking lot) has provided the County with a request to designate three (3) parking spaces for use by their residence. The adjoining property owner indicates that previous school administration has authorized this request.

Board members discussed their concerns if the request is approved, the Board wanted it to be assigned to Ms. Davis (the homeowner) and not be connected to the property or to be in perpetuity.

Chair Kirby asked who enforces the approval.

Mr. Howard stated the homeowner would have a letter from the County and the enforcement would be by Edenton Police Department.

Commissioner McLaughlin moved to grant the County Manager the authority to provide a letter to Ms. Davis granting the three spaces to include the language that the granting of the spaces is to not be tied to the property or deed. Chair Kirby asked for all in favor, the motion passed unanimously (5-0).

Capital Improvement Plan Committee (CIP) Items

Commissioner McLaughlin noted that the CIP Committee met on Wednesday, July 24, 2024. The following recommendations are sent to the full Board for review and approval.

- a. Chowan County Capital Improvement Plan (CIP) 2025-2029
A copy of the CIP is in the meeting file labeled August 5, 2024. Commissioner Cummings moved to approve the CIP plan as presented. Chair Kirby asked for all in favor, the motion passed unanimously (5-0).
- b. Ag Building Bridge Repair
Commissioner McLaughlin stated that the Committee recommends that staff proceed with immediate repairs to the existing structure to ensure the bridge is open to the public. Labor and materials estimate is \$10,000 from Carrera Painting, staff requests approval of a budget not to exceed \$15,000 to cover an unforeseen repairs that are necessary. He then moved to approve the recommendation as presented. Chair Kirby asked for all in favor, the motion passed unanimously (5-0).

c. 911 Center HVAC Replacement

Mr. Howard stated that the Committee recommends approval of a bid from ComfortMaster Mechanical in the amount of \$337,325 to replace the HVAC unit for the 911 center server room.

Commissioner Lawrence moved to approve the bid as presented. Chair Kirby asked for all in favor, the motion passed unanimously (5-0).

d. DSS Heating System – Boiler Replacement

Mr. Howard stated that the Committee recommends approval of the low bid from CB Plumbing and Mechanical in the amount of \$42,600 for replacement of the boiler at the DSS building. He noted he would return at a later time to request approval for the replacement of the air handler.

Chair Kirby asked if there were monies for the air handler.

Mr. Howard stated yes.

Commissioner Cummings moved to approve the bid as presented. Chair Kirby asked for all in favor, the motion passed unanimously (5-0).

Legislative Goals

Ms. Stallings noted that board members provided their proposed Legislative Goals to the Clerk. A list is attached for the Board to review. The Board will consider a resolution to forward to the NC Association of County Commissioners endorsing Chowan County's proposed Legislative Goals for 2024. She noted the goal states:

Repeal NCGS 105-275(45) - Seek legislation which will repeal NCGS 105-275(45) which mandates that counties must exclude eighty percent (80%) of the appraised value of a solar energy electric system from property taxation. If repeal of NCGS 105- 275(45) is not feasible, then seek legislation which will require that the State of North Carolina provide funding to any county which is forced to lose tax revenue due to NCGS 105-275(45) in an amount equal to the lost tax revenue to said county.

Commissioner McLaughlin moved to approve the legislative goals resolution as presented. Chair Kirby asked for all in favor, the motion passed unanimously (5-0).

**RESOLUTION APPROVING LEGISLATIVE GOALS AND
SUBMISSION OF SUCH GOALS TO THE
NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS FOR
CONSIDERATION AT ITS LEGISLATIVE GOALS CONFERENCE**

WHEREAS the North Carolina Association of County Commissioners (NCACC) was founded in 1908 as a membership organization to represent the interests of counties before the General Assembly;

WHEREAS all 100 counties are voluntary members of the NCACC, making the NCACC the official voice of North Carolina counties;

WHEREAS every two years, at the beginning of the long session of the General Assembly biennium, the membership of the NCACC holds a Legislative Goals Conference to develop and approve legislative goals designed to protect and enhance the interests of county governments and the citizens who live in our 100 counties;

WHEREAS for its proposed goals to be considered at the Legislative Goals Conference, Chowan County must submit its proposed legislative goals for the 2023-24 General Assembly biennium to the NCACC no later than September 2024; and

WHEREAS after due deliberation, the Chowan County Board of Commissioners has determined that the attached legislative goals represent the wishes of the individual Board members collectively;

NOW, THEREFORE, BE IT RESOLVED that the Chowan County Board of Commissioners hereby adopts the attached legislative goals, incorporated herein by reference, and authorizes the Chairman of the Board, or his designee, to submit the attached legislative goals to the NCACC.

Adopted this 5th day of August 2024.

Financial Items

Finance Officer Cathy Smith presented the following:

FY23-24 Budget Clean Up Amendments

BA2024-085

Account Number	Account Description	Revenue (Inc+/Dec-)	Expense (Inc+/Dec-)
Recreation			
11-6130-261-00	Office Supplies		75.97
11-6130-270-00	Concessions		607.27
11-6130-297-00	Youth Sports		10.99
11-6130-299-00	Dept Supplies		112.83
11-6130-321-00	Telephone		275.07
11-6130-331-00	Utilities		53.00
11-6130-354-00	Maint & Repairs		86.47
11-6130-441-00	Contract Services		4,969.07
11-6132-453-00	*Rec - Special Events		(6,190.67)
Central Services			
11-3839-890-00	Misc Revenue	205.00	
11-8200-187-00	Bank Fees		205.00
11-8200-321-00	Telephone		786.22
11-8200-325-00	Postage		2,500.00
11-8200-451-00	Insurance - P&L		8,359.96
Forestry			
11-4750-693-00	Contribution to Forestry		(11,646.18)
EMS			
60-4370-121-00	Salaries - Reg		24,845.00
60-4370-181-00	Fica		(12,000.00)
60-4370-182-00	Retirement		(12,845.00)
Water			
61-3839-892-01	NCDOT Reimbursement	47,802.55	
61-7120-351-00	Water Line Repairs		47,802.55
61-7120-121-00	Salaries - Reg		15,528.00
61-7120-183-00	Hospitalization		(9,000.00)
61-7120-192-00	Prof Services		(6,528.00)
Solid Waste			
62-4710-599-00	C/O - Other Improvements		(34,000.00)
62-4710-690-00	Cont Regional Authority		34,000.00
	Balanced	48,007.55	48,007.55
Justification:			
	<i>Budget Clean-up FYE 06/30/24</i>		

Account Number	Account Description	Revenue (Inc+/Dec-)	Expense (Inc+/Dec-)
Capital Projects Fund			
32-3810-033-00	Transfer from Capital Reserve Fund	43,817.03	
32-8100-457-00	Courthouse Renovations		43,817.03
Capital Reserve Fund			
33-3990-990-00	Fund Balance	43,817.03	
33-9800-980-32	Transfer to Capital Projects Fund		43,817.03
	Balanced	87,634.06	87,634.06
Justification:			
	<p align="center"><i>Budget Clean-up FY 2024 - Replace elevator door in courthouse (BOCC approved 05/01/23 - service performed in 2024); Painting and electrical work for Register of Deeds & Clerk of Court (BOCC approved on 03/04/24)</i></p>		

BA2024-087

Account Number	Account Description	Revenue (Inc+/Dec-)	Expense (Inc+/Dec-)
Capital Projects Fund			
32-3810-033-00	Transfer from Capital Reserve Fund	877,491.00	
32-8100-457-00	Courthouse Renovations		877,491.00
Capital Reserve Fund			
33-3990-990-00	Fund Balance	297,172.00	
33-9800-980-32	Transfer to Capital Projects Fund		877,491.00
33-9930-995-00	Designated for Future Approp		(580,319.00)
	Balanced	1,174,663.00	1,174,663.00
Justification:			
	<p align="center"><i>Budget Clean-up FY 2024 - Contract with AR Chesson for Courthouse Renovations Phase 1 - BOCC approved on 06/03/24</i></p>		

Commissioner McLaughlin moved to approve the budget amendments as presented. Chair Kirby asked for all in favor, the motion passed unanimously (5-0).

Update on JA Holmes Highschool Project Expenses and Summary of Change Orders to Date
Ms. Smith presented the Board with a report on the highschool project expenses and a summary of change orders for the project. A copy of the report is in the meeting file labeled August 5, 2024.

Board members reviewed the report and Commissioner McLaughlin noted that the Board will need to keep an eye on the contingency budget.

External Board/Committee Report

Commissioner Lawrence reported on the CIP Committee, Airport Board and the COA Board.

Manager's Report

County Manager Kevin Howard provided the following updates:

Mr. Howard noted that today was the first day the Courthouse Annex was in use. He commended the maintenance staff for getting everything in order prior to the start of court. He noted the completion date of the work at the Courthouse is January 4th.

Mr. Howard noted that staff is monitoring a tropical storm that is forming off the coast.

Timely and Important Matters

Next Meeting – Location Change

Ms. Stallings noted that the next Board of Commissioners meeting, scheduled for Monday, August 19, 2024 will be held at the Northern Chowan Community Center 2869 Virginia Road, Tyner, NC at 6pm.

Bond Referendum

Chair Kirby provided comments regarding the recent public comment about the bond referendum. He noted the NC General statutes defines services that are mandated that a County “must do” which include law enforcement, jails, medical examiner, courts, building inspector, schools, social services, public health, mental health, deeds, election and tax assessment are required. He noted that the statutes define other services a County “may” provide but are not mandated to provide such as fire, water, sewer, solid waste collection/disposal, land use, community colleges, libraries, hospitals, parks and recreation and tax collection. He stated this board is faced with deficits in facilities and noted that the County will have to spend \$1.25 million on the courthouse, and is estimated to spend \$25 million for a jail, \$35 million for a middle school and the construction of an R/O plant which is paid through user fees. He stated that the Commissioners looked at Parks and Recreation and pools and decided that the public would support a \$15 million parks and rec bond but would not support a \$40 million parks and rec bond. He stated that after a discussion at a public meeting \$15 million was an appropriate

amount to put on a bond referendum. He stated it is unfortunate that some feel no pool no bond. He stated if the bond is not approved, that is a signal to him that people are satisfied with parks and recreation the way it currently stands.

Commissioner McLaughlin stated that the Commissioners wanted to get something passed and they felt \$15 million would be a start at addressing parks and rec needs such as an athletic complex and trails. He stated if the \$15 million bond passes it is a step in the right direction.

Mr. Howard noted for the public in attendance, the Red Banks Farm property was purchased with monies that include restrictions on the type of use or facility that is allowed to be constructed on the property. He stated if the County wanted to build a gym, senior center or pool land will have to be purchased.

Windmill Dedication

Commissioner Lawrence stated he attended the dedication of the facility. He stated that many who were involved in the approval and review of the application were not represented at the dedication.

Adjourn

Being no further business, Commissioner Taylor moved that the meeting be adjourned. Chair Kirby asked for all in favor, the motion passed unanimously (5-0).

Bob Kirby, Chairman

Susanne Stallings, Clerk