

**Chowan County Board of Commissioners**  
**Regular Meeting**  
**Monday, December 4, 2023**  
**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 December 4, 2023.*

Present: Chair Bob Kirby, Commissioners, Ron Cummings, Ellis Lawrence, Tray Taylor, Larry McLaughlin, Alex Kehayes and Chris Evans.

Staff present County Manager Kevin Howard, Finance Officer Cathy Smith and Board Clerk Susanne Stallings

**Regular Meeting**

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

**Approval of Agenda**

Board Clerk Susanne Stallings noted two changes to the agenda. The special recognition would be moved up to the beginning and Elections would provide their annual report after the school agenda items.

Commissioner Evans moved to approve the agenda as amended.

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

**Employee Recognition Ceremony**

The following County Employees were recognized for years of service.

***2018 - 5 Year Anniversary***

Jeffrey Church	Sheriff
Jessica Crump	Central Communications
Kevin P Howard	Detention
Kenneth Lynch	Sheriff
Terrence Meyers	Elections
Jacob Peele	Soil & Water
Teresa Pickop	Maintenance
Brandon Shoaf	Planning & Inspections
Mitchell Stanley	Recreation
David Tawes	Water
Celeste Wescott Maus	Soil & Water

***2013 – 10 Year Anniversary***

Joshua Holland Sheriff

***2008 – 15 Year Anniversary***

Angela Hassell EMS  
John McArthur Sheriff

***2003 – 20 Year Anniversary***

Patricia Holley DSS

***1998 – 25 Year Anniversary***

Barbara Hayes DSS

***1993 – 30 Year Anniversary  
Retirement Recognition***

***Recognized at Retirement***

Lesla Nolen Water  
Mark Noneman Recreation

**Special Recognition**

911 Director Herman Weiss recognized Amy Little for her professionalism and service during a difficult 911 call from a County resident that was in danger.

**Organizational Meeting**

**Election of Chair**

Board Clerk Susanne Stallings noted that in accordance with NCGS § 153A-39 (2) the Board of Commissioners must, at its first regular meeting in December of each odd-numbered year, choose one of its members as chairman for the ensuing year. Board Clerk, Susanne Stallings, moderated the organizational meeting for the election of the Chairman. She then opened the floor for nominations for Chair.

Commissioner Evans nominated Commissioner Kirby to serve as the Chair for 2024.

Being no further nominations Ms. Stallings closed the floor. She asked for all in favor, the motion passed unanimously (7-0). She then passed the gavel the Chair Kirby.

**Election of Vice Chair**

Chair Kirby noted that in accordance with NCGS § 153A-39 (2) the Board of Commissioners must also choose one of its members as Vice Chairman for the ensuing year, he opened the floor for nominations.

Commissioner Kehayes nominated Commissioner McLaughlin.

There were no other nominations. Chair Kirby asked for a motion to close nominations. Commissioner Kehayes moved to close the nominations, the motion passed unanimously (7-0).

Chair Kirby then asked for all in favor of Commissioner McLaughlin, the motion passed unanimously (7-0).

#### 2024 Meeting Schedule

Chair Kirby noted that accordance with NCGS § 153A-40 (a) the Board shall approve a meeting schedule for 2024.

Commissioner McLaughlin moved to approve the draft meeting schedule as presented. Chair Kirby asked for all in favor, the motion passed unanimously (7-0).

#### Cancel December Meeting

Chair Kirby noted that the Board will discuss the December 18, 2023 meeting. Historically this meeting has been cancelled for the Holiday if there is no pressing business.

Commissioner Taylor moved to cancel the December 18, 2023 meeting. Chair Kirby asked for all in favor, the motion passed unanimously (7-0).

#### Public Comment

Chair Kirby opened the floor for public comment.

Thomas DiMartino, 109 W King St. Edenton spoke in favor of a recreation bond. He provided some history on his experiences with the Recreation Department and commended them on the work they do in Chowan County. He stated that Recreation programs provide youth with outlets for self-development. He stated that expansion of Recreational opportunities would provide you with more opportunities. He stated he would like to see more walk up and play ball fields in Chowan County.

#### 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

Minutes of the November 6, 2023 and November 20, 2023 (Special and Regular) meetings.

b. Tax Refund/Release Report

Ashely, J.	\$496.70	Overpayment
Michalik, J.	\$121.84	Overpayment
Jordan, J.	\$166.87	Paid Twice

c. Donation of Property to Schools

Previously the Board declared a 2006 Ford E350 work body van owned by the Sheriff as surplus and authorized the sale of the van on Gov Deals. The sale

was planned for the Spring of 2024. The van was obtained by the Sheriff through federal surplus . The Sheriff has requested that the van be removed from the upcoming sale and donated to Edenton-Chowan Public Schools at the request of the school system.

Commissioner McLaughlin moved to approve the consent agenda as amended. Chair Kirby asked for all in favor, the motion passed unanimously (7-0).

**John A. Holmes High School Items** *(carried over from November 20, 2023 meeting)*

Mr. Howard noted that the LGC meets on the next day (December 5, 2023) He stated that if the application is approved closing on the loan is scheduled for Thursday. He stated that the loan will be held until a notice to proceed is issued. He stated that all but three of the contractors have responded to requests for pricing to ensure the GMP has not changed. He stated if there is no change to the GMP he and Superintendent Dr. Sasscer will sign the GMP. He noted this is because all bids were received back in August and with that amount of time, pricing may have changed.

**Approving Resolution Approved November 20th**

Board Clerk Susanne Stallings noted that at the November 20, 2023 meeting, the Board approved a resolution that authorizes an interim installment financing contract with PNC Bank and a Deed of Trust for the subject property. At the meeting it was noted some of the documentation would need amending by the Bond Counsel post meeting. Because the original resolution referenced the lease for the high school property, it was necessary to amend the approving resolution to remove the language regarding the lease as the lease was not approved at that meeting. A revised resolution was provided to the Board as FYI.

**Lease Agreement**

The Board will consider approval of a lease agreement between Chowan County and the Edenton-Chowan Board of Education for the John A. Holmes High School project. A lease approving resolution is attached for the Board's review and consideration.

Commissioner Evans moved to approve the lease resolution and lease agreement as presented. Chair Kirby asked for all in favor, the motion passed unanimously (7-0).

**Resolution of the County of Chowan, North Carolina Approving a Lease Agreement and Delivery Thereof and Providing for Certain Other Related Matters**

***WHEREAS***, the County of Chowan, North Carolina (the "*County*") is a political subdivision of the State of North Carolina (the "*State*"), validly existing under the Constitution, statutes and laws of the State;

***WHEREAS***, the Board of Commissioners of the County (the "*Board*") has previously determined that it is in the best interest of the County (1) to enter into an interim installment financing contract (the "*Contract*") with PNC Bank, National Association (the "*Lender*") in an aggregate principal amount not to exceed \$34,998,500 to finance a portion of the costs of

constructing a new high school, to be known as the John A. Holmes High School, in the County (the “*Project*”), and (2) in order to provide security for the County’s obligations under the Contract, to grant to the Lender a security interest under a deed of trust on the real property on which John A. Holmes High School will be located, together with all improvements and fixtures located thereon (collectively, the “*Mortgaged Property*”);

**WHEREAS**, the Edenton-Chowan Schools Board of Education (the “*Board of Education*”) has previously conveyed to the County ownership of the Mortgaged Property;

**WHEREAS**, in furtherance of the financing of the Project, the Board of Education will lease the Mortgaged Property from the County through the duration of the Contract pursuant to a Lease Agreement, to be dated on or about December 7, 2023 (the “*Lease Agreement*”), between the Board of Education and the County, at the end of which the County will convey title to the Mortgaged Property back to the County;

**WHEREAS**, there has been made available to the Board the form of the Lease Agreement which the County proposes to approve, enter into and deliver, as applicable, to effectuate the proposed financing; and

**WHEREAS**, it appears that the Lease Agreement is in appropriate form and is an appropriate instrument for the purposes intended;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF CHOWAN, NORTH CAROLINA, AS FOLLOWS:**

**Section 1. Approval, Authorization and Execution of Lease Agreement.** The form, terms and content of the Lease Agreement are in all respects authorized, approved and confirmed, and each of the County Manager, the Finance Officer, and the Clerk to the Board, or their respective designees (individually and collectively, the “*Authorized Officers*”) are authorized, empowered and directed to execute and deliver the Lease Agreement for and on behalf of the County, including necessary counterparts, in substantially the forms presented to the Board, but with such changes, modifications, additions or deletions therein as shall to them seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all such changes, modifications, additions or deletions, and that from and after the execution and delivery of the Lease Agreement, each of the Authorized Officers are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Lease Agreement as executed.

**Section 2. Further Actions.** Each of the Authorized Officers is hereby designated as the County’s representatives to act on behalf of the County in connection with the transactions contemplated by the Lease Agreement. Each of the Authorized Officers is hereby authorized to designate one or more employees of the County to take all actions which each of the Authorized Officers is authorized to perform under this Resolution, and each of the Authorized Officers, including their designees, is in all respects authorized on behalf of the County to supply all information pertaining to the transactions contemplated by the Lease Agreement. Each of the Authorized Officers is authorized to execute and deliver for and on behalf of the County any and

all additional certificates, documents, opinions or other papers and perform all other acts as may be required by the Lease Agreement or as they may deem necessary or appropriate in order to implement and carry out the intent and purposes of this Resolution. Any and all acts of the Authorized Officers may be done individually or collectively.

**Section 3. Related Actions.** All acts and doings of officers, employees and agents of the County, whether taken prior to, on, or after the date of this Resolution, that are in conformity with and in furtherance of the purposes and intents of this Resolution as described above shall be, and the same hereby are, in all respects ratified, approved and confirmed.

**Section 4. Repealer.** All motions, orders, resolutions, ordinances and parts thereof, in conflict herewith are hereby repealed.

**Section 5. Severability.** If any section, phrase or provision of this Resolution is for any reason declared to be invalid, such declaration will not affect the validity of the remainder of the sections, phrases or provisions of this Resolution.

**Section 6. Effective Date.** This Resolution is effective on the date of its adoption.

**Elections Annual Report**

Elections Director Terrence Meyers provided the Board with the annual report from the Elections Department. A copy of the PowerPoint presentation is in the meeting file labeled December 4, 2023.

**Financial Items**

Ms. Smith presented the following:

- a. 2024 Budget Amendments  
2024-032

Account Number	Account Description	Revenue (Inc+/Dec-)	Expense (Inc+/Dec-)
<b>TDA</b>			
51-3990-990-00	Fund Balance	12,000.00	
51-8150-440-00	Contract Services - Website		12,000.00
	Balanced	12,000.00	12,000.00
<b>Justification:</b>			
	<i>To amend the 2024 budget for TDA to include website feature add-on that was approved by the TDA Board on 10/24/23.</i>		

2024-033

Account Number	Account Description	Revenue (Inc+/Dec-)	Expense (Inc+/Dec-)
<b>DSS</b>			
12-5310-121-00	Salaries - Regular		(30,000.00)
12-5310-198-00	Professional Services - Temp Agency		30,000.00
	Balanced	-	-
<b>Justification:</b>			
<i>To amend the 2024 budget for Social Services to include additional staffing from Vanguard Professional Staffing. This is a transfer between line items and no additional funding is being requested.</i>			

2024-034

Account Number	Account Description	Revenue (Inc+/Dec-)	Expense (Inc+/Dec-)
<b>Solid Waste</b>			
62-3471-530-00	Scrap Tire Tax Distribution - Rev	6,565.06	
62-4710-694-00	Scrap Tire Tax Distribution - Exp		6,565.06
62-3471-531-00	White Goods Tax Distribution - Rev	2,005.03	
62-4710-695-00	White Goods Tax Distribution - Exp		2,005.03
	Balanced	8,570.09	8,570.09
<b>Justification:</b>			
<i>To amend the 2024 budget for Solid Waste to include Scrap Tire and White Goods tax distributions.</i>			

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

Financial Report – October

A copy of the report is in the meeting file labeled December 4, 2023.

### **External Board/Committee Report**

Board members are asked to report on the activities of the external boards to which they have been appointed.

### **Commissioner Appointments**

Chair Kirby noted that the Board is being provided with a list of the current 2023 Commissioner Appointments. It is in order for the Board members to be appointed to external boards and committees at the January 2024 meeting. Board members are asked to review the list and provide the clerk with any requests for changes to appointments no later than 12/20/23.

### **Manager's Report**

County Manager Kevin Howard updated the Board on the following:

- Swain windows are completed.
- Library windows are next.
- Additional information the CAB grant for broadband is coming and will be on a future meeting agenda.

### **Timely and Important Matters**

Chair Kirby noted he recently attended an event where the State Treasurer was present and he acknowledged that Chowan County's application for the High School project was on the LGC agenda. He stated that prior Commissioners, staff, the County Manager and Finance Officer have worked hard to get the County to where it is currently with regards to finances. He stated that Chowan County is a success story.

### **Adjourn**

Being no further business Commissioner Cummings moved that the meeting be adjourned. Chair Kirby asked for all in favor, the motion passed unanimously (7-0).

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Bob Kirby, Chairman

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Susanne Stallings  
Clerk