

**Special Meeting**  
**Monday, July 6, 2020**  
**Chowan County Public Safety Center**  
**305 West Freemason Street**  
**5:00pm**

Present Chair Patti Kersey, Commissioners Greg Bonner (came in during the closed session), 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 and Sheriff Dwayne Goodwin.

**Closed Session**

Commissioner Kirby 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 (7-0).

**Adjourn**

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

**Regular Meeting**  
**Monday, July 6, 2020**  
**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 July 6, 2020.

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.

**Call to Order**

Chair Kersey called the regular meeting to order.

Commissioner Cummings then offered the invocation.

**Approval of Draft Agenda**

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

### **Public Comment**

Ms. Stallings noted that she checked the voicemail and she checked her email and one electronic public comment was submitted.

Electronic Public Comment:

A copy of the electronic public comment is in the meeting file labeled July 6, 2020. Ms. Stallings read the full comment into the record. A summary of the comments is as follows:

Public Comment from Tomeka L. Ward-Satterfield 519 Everglades Dr. Mebane NC. Ms. Satterfield stated she was a former resident born and raised in Chowan County. She urged the Commissioners to remove all Confederate monuments/statues/markers that are in the County. She urged the Board to adopt a statement of solidarity similar to the statement adopted by the Edenton Town Council. She urged the Board to use any leverage and remove the relics of Confederacy and white supremacy in Chowan County.

There was no further public comment.

### **Consent Agenda**

a. **Approval of Minutes**

Attached are the minutes of the May 21, 2020, May 26, 2020, June 1, 2020, June 9, 2020 and June 11, 2020 meetings for the Board's review and consideration.

b. **Tax Refund/Release Report**

Ullom, C.	\$197.62	Charged wrong value
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Commissioner Faircloth moved to approve the consent agenda as presented. Chair Kersey asked for all in favor, the motion passed unanimously (7-0).

### **Tax Items**

Ms. Stallings noted that Tax Administrator Melissa Radke was not able to attend the meeting. She noted the Board has been provided copies of the Acceptance of Settlement and Order to collect along with several reports from the Tax Administrator. A copy of the reports is in the meeting file labeled July 6, 2020.

- **Acceptance of Settlement**

ACCEPTANCE OF SETTLEMENT OF CURRENT AND PRIOR YEAR TAXES

WHEREAS, the Chowan County Tax Collector has provided a report of persons owning real property whose taxes for the preceding fiscal year remain unpaid and the principle amount owed by each person; and

WHEREAS, the Chowan County Tax Collector has provided a list of persons not owning real property whose personal property taxes for the preceding fiscal year remain unpaid and the principle amount owed by each person; and

WHEREAS, the Chowan County Tax Collector has provided a report of diligent efforts to collect unpaid taxes for the preceding fiscal year and prior years as charged; and

WHEREAS, the list of persons owing taxes (but who listed no real property) for the current fiscal year are found to be insolvent; and

WHEREAS, the Chowan County Tax Collector has provided an accounting of all taxes charged and collected for the current and prior years;

Hereby, be it resolved that the Cowan County Board of County Commissioners do hereby accept the settlement of current and prior year taxed as provided by the Cowan County Tax Collector.

Adopted this 6<sup>th</sup> day of July, 2020.

- Order to Collect

ORDER OF THE CHOWAN COUNTY BOARD OF COMMISSIONERS  
IN ACCORDANCE WITH G.S.105-321, G.S. 153A-156 AND G.S. 160A-215.2  
FOR THE COLLECTION OF 2020 TAXES

TO: TAX COLLECTOR OF CHOWAN COUNTY, TOWN OF EDENTON

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the 2020 tax records filed in the Office of the Chowan County Tax Collector, and in the tax, receipts herewith delivered to you in the amounts and from the taxpayers likewise therein set forth. You are further authorized, empowered, and commanded to collect the 2020 taxes charged and assessed as provided by law for adjustments, changes, and additions to the tax records and tax receipts delivered to you which are made in accordance with law. Such taxes are hereby declared to be a first lien on all real property of the respective taxpayers in Chowan County, the Town of Edenton, Belvidere Chappell Hill Fire Protection District, Center Hill Crossroads Fire Protection District, Edenton Rural Fire Protection District, and any other special district located within Chowan County; and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell, any real or personal property of such taxpayers, and attach wages and/or other funds, of such taxpayers, for and on account thereof, in accordance with law.

You are also hereby authorized, empowered and commanded to administer and to collect taxes on gross receipts derived from retail short-term leases or rentals of motor vehicles as set forth under G.S. 153A-156, gross receipts derived from short-term leases or rentals of heavy equipment as set forth under G.S. 160A-215.2, and Occupancy Taxes as set forth under G.S 153A-155. You are hereby authorized to promulgate such rules and procedures necessary to administer these taxes which are not inconsistent or contrary to applicable law.

WITNESS my hand and official seal, this the 6<sup>th</sup> day of July, 2020.

ORDER OF THE CHOWAN COUNTY BOARD OF COMMISSIONERS  
IN ACCORDANCE WITH G.S. 105-373, G.S. 105-321, G.S.105-330.3,  
G.S.153A-156 AND G.S. 160A-215.2  
FOR THE COLLECTION OF 2019 AND PRIOR YEARS' TAXES

TO: TAX COLLECTOR OF CHOWAN COUNTY, TOWN OF EDENTON

You are hereby authorized, empowered, and commanded to collect the taxes remaining unpaid as set forth in the 2010 through 2019 tax records filed in the Office of the Chowan County Tax

Collector, and in the tax, receipts herewith delivered to you in the amounts and from the taxpayers likewise therein set forth. You are further authorized, empowered, and commanded to collect the 2010 through 2019 taxes charged and assessed as provided by law for adjustments, changes, and additions to the tax records and tax receipts delivered to you which are made in accordance with law.

You are also hereby authorized, empowered and commanded to administer and to collect taxes on gross receipts derived from retail short-term leases or rentals of motor vehicles as set forth under G.S. 153A-156, gross receipts derived from short-term leases or rentals of heavy equipment as set forth under G.S. 160A-215.2, and Occupancy Taxes as set forth under G.S 153A-155. You are hereby authorized to promulgate such rules and procedures necessary to administer these taxes which are not inconsistent or contrary to applicable law. Such taxes are hereby declared to be a first lien on all real property of the respective taxpayers in Chowan County, the Town of Edenton, Belvidere Chappell Hill Fire Protection District, Center Hill Crossroads Fire Protection District, Edenton Rural Fire Protection District, and any other special district located within Chowan County; and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell, any real or personal property of such taxpayers, and attach wages and/or other funds, of such taxpayers, for and on account thereof, in accordance with law.

Taxes on personal property for 2009 and prior years have been deemed insolvent and therefore uncollectible; the Chowan County Commission, do hereby relieve the tax collector of the charge of collecting taxes on these insolvent bills pursuant to G.S 105-373(g) for 2009 and prior years.

WITNESS my hand and official seal, this the 6<sup>th</sup> day of July, 2020.

Commissioner McLaughlin moved to approve the acceptance of settlement and order to collect as presented. Chair Kersey asked for all in favor, the motion passed unanimously (7-0).

- Credit Card Contract

The Board will consider a request to switch credit card vendors from Voice Data Solutions to Auto Agent.

Finance Officer Cathy Smith presented the Board with a contract with Auto Agent. The County is currently contracted with Voice Data Solutions. The fee associated with transactions for the public would be reduced from 2.65% to 2.5%. This will also add ACH payments and will reduce the amount of refunds required.

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

**Public Hearing – Text Amendment**

Chair Kersey noted that the Chowan County Board of Commissioners will hold a Public Hearing on Monday, July 6, 2020 at 6:00 pm, at the Public Safety Center located at 305 West Freemason Street. The purpose of this hearing is to review and act on an Amendment to the Wind Energy Facilities Ordinance, Article 8.109 of the Chowan County Zoning Ordinance.

Commissioner Cummings moved to open the floor for the public hearing.

Board Clerk Susanne Stallings noted that several public comments were received electronically. She then read each of the electronic comments into the record. A copy of the comments is in the meeting file labeled July 6, 2020, the comments are summarized below:

Mike Hamilton, Centerhill Road Tyner noted his concerns regarding comments made at a previous meeting regarding windmill noise. He noted that arguments can be found online that state turbines make less noise than the earlier models. He stated a comment regarding Swan migration was also made at the previous meeting. He noted that crops planted in an area will often contribute to Swan migration and noted that there are no turbines currently located in Chowan County to impact the migration. He stated that there are many swans near the Amazon Wind project.

Dennis Dickens, Happy Home Rd Tyner stated his concerns with amending the ordinance while the Timbermill project is working to obtain permits after an 18 month state moratorium. He suggested the Board visit the Amazon project and listen for the noise that has generated anti wind stories on the internet. He stated his concern with the text amendment being anti-business.

Leonard Overman 330 Ryland Rd. Tyner discussed his travels and experiences with wind energy projects. He stated wind energy projects subsidies local farms. He stated they would also raise revenues and reduce the tax burden on County residents. He stated he was opposed to any changes to the wind ordinance.

Lueta Sellers 119 Bella Vista Dr. Edenton stated her concern with the restrictive 45 dBA requirement in the proposed ordinance. She noted that 21 other County ordinances have no sound restrictions and the standard for the ordinances that do are 70 decibels. She stated the limitations on the setback requirements would limit property owners from participating. She stated the proposed changes will prevent Wind Energy farms from developing in Chowan County.

Gene Jordan 414 Sign Pine Rd. Tyner urged the Commissioners to keep the Wind Energy Ordinance the same. He stated changes in the ordinance would be detrimental to business activity in the County. He provided the Board with a copy of the resolution adopted by the Edenton-Chowan Board of Education in support of Wind Projects. A copy of the resolution was read into the record and is in the meeting file labeled July 6, 2020.

Tim White Sandy Ridge Rd. Tyner asked the Board to refrain from making changes to the current wind regulations. He stated that the Timbermill project has been halted because of state rulings. He stated he would recommend an extension of a permit for Timbermill and not change the rules if they have to request more time before beginning construction. He stated the lease payments to land owners would also be beneficial. He noted he will be living adjacent to the proposed Timbermill project and has no objections.

Katharine Kollins, Southeastern Wind Coalition, Raleigh NC stated that the proposed restrictions in the ordinance are too strict to accommodate a wind project. She stated that infrasound is impossible to detect by the human ear. She noted the current ordinance is consistent with Pasquotank and Perquimans County. She noted the current tax revenues realized in the neighboring Counties from the Amazon Wind Project and potential benefits to the local economy in Chowan County. She stated the Coalition opposes the proposed amendments to the ordinance and requested the current ordinance remain in place.

William Monds 828 Centerhill Rd. Tyner, NC stated he is participating in the proposed Timbermill Wind Project. He stated the current ordinance does not need changes He stated that as a farmer the loss

of the Timbermill project would be negative and the opportunity would not come back to Chowan County.

Win Dale, Executive Director Edenton-Chowan Chamber of Commerce stated that a project like Timbermill Wind would be beneficial to Chowan County's economy. He noted that neighboring counties have benefited from the Amazon wind project tax revenues and lease payments. He stated the current ordinance protects the people of Chowan and encouraged the Board of Commissioners to make sure the Timbermill project moves ahead.

Bobby Winborne 3506 Rocky Hock Rd Edenton stated his concerns over the proposed text amendment to the wind ordinance. He stated the new restrictions do not allow for other parcels in the County to be used for wind energy projects. He stated his concerns over previous amendments to the solar ordinance. He urged the Board to not exclude the County from future growth.

Anthony Chavez, Senior Manager, Weyerhaeuser stated that Timbermill currently has a permit that expires May 2021 and if construction is not completed the amended ordinance would apply to the Timbermill project. He stated his opposition to the proposed amendment and would limit the ability to lease land for wind projects. He stated he believed the amendment to the ordinance violates private property rights.

Michael Parrish 110 Mulberry Hill Lane Edenton stated that he would like for the Board to keep the existing wind ordinance. He stated the Timbermill project would lead to economic growth.

The following comments were provided in person at the public hearing

John Mitchener 1000 West Queen St. Edenton stated in 2014 he visited the Delaware windmill project and properties were not declining in value. He stated that in 2016 the Apex/Timbermill project was heard by the Commissioners over several weeks. He stated Representative Steinburg spoke in support of wind energy projects for their economic impact as well stabilizing family farms. He stated Timbermill is an opportunity that Chowan cannot pass up. He spoke on his concerns for the shadow flicker restrictions in the proposed ordinance. He urged the Board to listen to the people of Chowan County. (a written copy of the comments was provided to the Clerk and are included in the meeting file labeled July 6, 2020).

Patrick Flynn 1924 Paradise Road Edenton spoke regarding his concerns for a wind project devaluing his property. He stated that infrasound has an 18 mile radius. He stated his concerns for allowing the amendment to the previous Timbermill project. He stated his concerns regarding the decommissioning language in the Timbermill permit. He stated that the projects increase power costs for customers because of green energy subsidies. He stated he supports the increased setback to be at 10 times the height of the turbine. (a written copy of the comments was provided to the Clerk and are included in the meeting file labeled July 6, 2020).

Belinda Flynn 1924 Paradise Rd. Edenton stated she was an abutting non participating property owner for the Timbermill project. She stated her concern over her rights to enjoyment of her property. She stated that there are others who agree with her concerns over the proposed project but will not voice their opposition. She stated her concerns over the potential for noise from the turbines and stated she would recommend a study into the impacts on radio, TV, cellular and other transmissions. She stated her concerns over a future burden to the County for decommissioning costs and stated she wanted to be a voice of reason and heartfelt opposition. (a written copy of the comments was provided to the Clerk and are included in the meeting file labeled July 6, 2020).

Liz Alons 1848 Paradise Rd. Edenton stated she has been a longtime resident of Chowan County. She stated she has earned the right to enjoy her property. She stated that Apex pushed an ordinance and the County was not prepared when the draft ordinance was presented. She urged the Board to save Chowan County from any further harm.

Don Giecek Apex Clean Energy, Charlottesville VA read a statement into the record. A written copy was not provided. He stated this project has the potential to bring millions in tax revenues. He noted the example of the Amazon Wind Farm in Perquimans and Pasquotank County. He stated these revenues reduce the strain on Counties. He stated the extreme measures would significantly decrease land available for the Timbermill project. He stated now is not the time to turn investment away from the Community. He stated the existing ordinance goes above and beyond to allow for public safety. He thanked the County for their patience during the permitting process for Timbermill. He noted the County put a moratorium in place prior to the Timbermill CUP application to amend the ordinance. He stated expert witnesses testified on sound, shadow flicker and other concerns. He stated that in May 2021 the CUP permit will expire. He said the state 18 month moratorium made it difficult to put up monies for the project. He noted there were attempts to extend the 18 month moratorium. He stated that they have been working with the Navy regarding potential interference. He said signs are encouraging and they are resubmitting layouts to the Navy regarding the site plan. He said this will take 4 to 6 months for the Navy to evaluate the layout. He said it is difficult to commit resources at risk will waiting on final approvals from the Navy. He stated that they expect all permits will not be in place by May 2021. He stated that if they are unable to obtain extensions from the County, if they cannot begin construction in May 2021 they would come under any new ordinance that is adopted. He stated his concerns over the stipulations in Section 5 regarding sound and shadow flicker. He stated that the 45 dBA would significantly impact the project. He stated that the wording requiring no flicker presents a significant challenge. He stated the chart for the setbacks is reasonable because they can and will abide by that. He stated that provisions to allow for waivers for setback and sound are helpful. He stated that they have built successful projects since the CUP. He asked the Board to please not move the goal post

Harriett DeHart Horniblow Point Road stated her concern about the public comments that were concerned for Timbermill because they already have their CUP. She stated her concern over the comments about the amendment being bad for business. She stated that there are businesses hiring right now. She stated she did not feel Chowan County was bad for business. She urged the Board to pay attention to the studies and ask if you yourself would be living under a turbine. She stated that there would not be a project near her home but the Board should consider those impacted.

Being no further public comment Commissioner Cummings moved to close the public hearing. Chair Kersey asked for all in favor, the motion passed unanimously (7-0).

Chair Kersey called for a five minute break, after five minutes she called the meeting back to order.

Commissioner Kirby stated that during the public comment period there were comments made in reference to the Apex (Timbermill) CUP. He stated that the action of the Board on the proposed text amendment have no impact on the existing ordinance which is what the CUP currently held is based on. He stated that it was not true that the Board is antibusiness. He stated he would love to see Apex come on and build their project. He stated that the 18 month state moratorium had no bearing on the Apex project as they were free to pursue permits. He stated that is part of risk taking because nothing in the moratorium said to stop seeking permits. He stated that Weyerhaeuser's comments regarding private property rights violations were not true because nothing has any bearing on a lease. He stated a private property owner has the right to waive sound and setback requirements in their lease. He stated the information provided to the Board previously by a medical doctor strongly recommended

increasing the setback requirement. He stated that he would like to recommend the table be amended from 1.5 for Commercial facilities to 6.5.

Commissioner McLaughlin asked how this will impact participating property owners.

Commissioner Kirby stated that is between them and the developer.

Commissioner Faircloth noted for a 600' tower the setback increases from 900 feet (current ordinance) to 3,900 feet (proposed).

Commissioner McLaughlin stated he agreed with the comments made by Commissioner Kirby. He stated that 900 feet is close. He stated the 6.5 proposed text gives a homeowner buffer from the sound.

Commissioner Bonner stated that the Board spent a great deal of time previously working on the ordinance. He stated if the Board's intention is to prevent this type of development it should be said upfront. He stated the comments in support of the project outweigh the opposition. He stated the Board should be fair and reasonable and noted the developer has spent a large amount of money on permits and fees. He urged the Board to leave personal feelings out of their decision making and vote for reasonable modifications. He stated he wanted to be fair to the business and the developer has indicated the proposed ordinance will not allow for the development. He stated he felt it was wrong to impact Timbermill negatively in May 2021.

Chair Kersey stated that Timbermill has held their CUP permit for 4 to 5 years. She stated that in 2018 the World Health Organization stated nothing higher than 45 decibels is safe. She stated this is different than the text adopted in the 2008 ordinance template. She stated that when Apex requests a permit extension in 2021 she hopes the Board will be willing to work with them and stated that negotiations are two sided. She stated she hoped the Board will then discuss tax revenues and see if they are willing to negotiate. She stated if the Navy has required moving of the turbines why is that not a deal breaker but if the County does it is. She noted that she would like to remove her suggested language in section 5a regarding the 45 dBA proxy value for infrasound.

Commissioner Lawrence asked about the difference between 55 decibels and 45 decibels. He noted that in the County there are peanut dryers running. He stated at the airport there are aircraft taking off and landing making that noise. He stated he did not have a problem with the CUP and ordinance as it is currently.

Commissioner Faircloth stated that he felt the Board spent a great deal of time working on the current ordinance. He stated the draft ordinance request was sent to the Planning Board and they did not recommend any changes. He stated that he agrees the Board should protect private property owner rights. He stated his concerns for setting precedence for future businesses. He stated the WHO recommendation of 45 decibels could impact local welding shops currently or businesses who run fans all day long. He asked if the Board wanted to consider this requirement for all businesses or just wind facilities.

Chair Kersey stated that current businesses are grandfathered because they were there first.

Commissioner Faircloth stated that future businesses will look at our ordinance. He stated he feels the current ordinance protects both the developer and the property owner. He stated this project is important for Chowan County and would be a big money maker for the County. He noted the budget process was just completed and the additional revenues are needed to reduce what had to be appropriated from fund balance.

Commissioner Kirby stated that looks are not the question. He stated the Board has to consider upcoming projects that are coming up.

Commissioner Bonner asked if there was any consideration for anything less than the 6.5 multiplier.

Commissioner Kirby stated that would protect future property owners and stated he hoped Apex would get their permits and build them.

Board member discussed the procedure for voting on the changes to the text.

County Attorney Lauren Arizaga-Womble stated that prior to adoption the Board will need to consider an amendment to the escrow language.

Board Clerk Susanne Stallings noted the recommended change previously suggested by Chair Kersey.

Commissioner McLaughlin moved to change the multiplier for commercial properties to 6.5 as recommended by Commissioner Kirby.

The Board discussed the motion.

Commissioner McLaughlin asked to amend his motion to modify the draft ordinance to change the commercial facility property line setback for non-participating property owners to 6.5 and to include the Chair's recommended deletion of the "the 45 dBA level is a proxy value for infrasound levels".

Commissioner Faircloth asked how Commissioner Kirby came up with 6.5.

Commissioner Kirby stated that the State of North Carolina has not provided scientific data to counties and information was provided to the Board from a future County Commissioner who is a medical doctor. He stated that one mile would be tough for a developer in Chowan County. He stated he felt this was a reasonable distance. He stated the County is left to figure this out on their own as there is no information provided. He noted that a developer can sit down with a property owner and ask them to consider a waiver. He stated he sees this as a win win.

Ms. Stallings re-read Commissioner McLaughlin's amended motion. Chair Kersey asked for all in favor, the motion passed (4-3 Faircloth, Bonner and Lawrence).

Ms. Arizaga-Womble noted proposed changes to section B and discussed with the Board clarifying if the power generated is not to be used for re-sale.

Mr. Howard noted that an individual who has a private turbine could receive energy credits for any energy generated going back into the system.

Board members discussed changing the paragraph to detail wattage. It was finally determined the amendment would state "private commercial use".

Additionally, Ms. Womble discussed proposed amendments to section j. The first sentence would read "the applicant for a commercial wind facility shall" and the second change should read "to be used by the County for all County expenses related to the administration of the permit or inspection.

Commissioner Cummings moved to adopt the attorney recommended changes. Chair Kersey asked for all in favor, the motion passed (5-2 Bonner and Faircloth).

Commissioner McLaughlin moved that this amendment will be consistent with the 2018 Land Use Plan or any other plan officially adopted by the Board of Commissioners because it clarifies the intent of the Chowan County Zoning Ordinances.

Chair Kersey asked for all in favor, the motion passed (4-3 Faircloth, Bonner and Lawrence).

Commissioner Cummings moved to adopt the amended draft ordinance. Chair Kersey asked for all in favor, the motion passed (4-3 Faircloth, Bonner and Lawrence).

### **Water Main Relocation – Mexico Bridge 3**

Mr. Howard presented the Board will consider a relocation agreement for the Mexico Bridge 3 Water Main. He stated this will be of no cost to the County.

Commissioner McLaughlin asked for clarification.

Mr. Howard stated this is to relocate a line.

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

### **Appointment**

Chair Kersey noted that Gertha Bond-Thomas has requested that the Board consider her for reappointment to the DSS Board. Ms. Bond has served one term and is eligible for reappointment.

Commissioner Bonner moved to reappoint Ms. Bond-Thomas. Chair Kersey asked for all in favor, the motion passed unanimously (7-0).

### **NCACC Voting Delegate**

Chair Kersey noted that the Board will appoint a voting delegate for the NCACC 2020 Virtual Conference. It is recommended that Chair Kersey be appointed delegate for Chowan County and Commissioner Cummings as the alternate voting delegate.

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

### **Sheriff Annual Report**

Sheriff Goodwin provided the Board with a video annual report from the Sheriff's Office, 911 and Detention Center.

### **Debt Refinancing**

Mr. Howard presented the Board with a loan modification for all of the existing debt to realize savings in reduced interest rates. The Board will consider a resolution approving the modification. He stated that the savings is \$68,121 and the fees for the refinancing are \$32,115. He stated the total savings over the life of the loan is \$36,706.

Commissioner McLaughlin thanked Mr. Howard for looking into this.

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

### **Resolution of the Board of Commissioners of the County of Chowan, North Carolina Approving Financing Terms**

WHEREAS, the County of Chowan, North Carolina (the “Borrower”) previously financed (i) the construction of its Public Safety Center (the “Public Safety Center Project”) through an Installment Financing Contract dated as of October 16, 2012 (the “2012 Financing Contract”) with Branch Banking and Trust Company, now known as Truist Bank (the “Lender”), (ii) equipment and furnishings for the Public Safety Center (the “Public Safety Center Equipment Project”) through an Installment Financing Contract dated as of January 8, 2013 (the “2013 Financing Contract”) with the Lender, (iii) an addition to Shepard-Pruden Memorial Library (the “Library Project”) through the 2013 Financing Contract, and (iv) renovations to the D.F. Walker School Building (the “School Building Buildings Project” and together with the Public Safety Center Project, the Public Safety Center Equipment Project and the Library Project, the “Projects”) through a Financing Agreement and Deed of Trust dated as of September 16, 2019 (the “2019 Financing Contract” and together with the 2012 Financing Contract and the 2013 Financing Contract, the “Financing Contracts”) with the Lender, and the Finance Officer of the Borrower has now presented a proposal for the refinancing of the Projects.

#### **BE IT THEREFORE RESOLVED, as follows:**

1. The Borrower hereby determines to refinance the Projects by entering into modification agreements (collectively, the “2020 Modification Agreements”) with the Lender to modify the 2012 Financing Contract, the 2013 Financing Contract and the 2019 Financing Contract in accordance with the proposals from the Lender dated June 24, 2020 (the “Proposals”), or as any of the Proposals may be supplemented or amended by Lender and the Borrower verbally or in writing. The amount refinanced (i) with respect to the Public Safety Center Project shall not exceed \$3,750,000, shall mature on or before November 1, 2023, and the annual interest rate (in the absence of default or change in tax status) shall not exceed 1.72%, (ii) with respect to the Public Safety Center Equipment Project shall not exceed \$234,000, shall mature on or before February 1, 2022, and the annual interest rate (in the absence of default or change in tax status) shall not exceed 1.40%, (iii) with respect to the Library Project shall not exceed \$844,000, shall mature on or before February 1, 2024, and the annual interest rate (in the absence of default or change in tax status) shall not exceed 1.80%, and (iv) with respect to the School Building Project shall not exceed \$1,595,000, shall mature on or before September 16, 2034, and the annual interest rate (in the absence of default or change in tax status) shall not exceed 2.71%.

2. The 2020 Modification Agreements, the Financing Contracts and all related documents for the closing of the financing (the “Financing Documents”) shall be consistent with the foregoing terms. All members of the Board of Commissioners and the officers and employees of the Borrower are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable to carry out the refinancing of the Projects as contemplated by the Proposals and this resolution.

3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to the Finance Officer’s satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by the members of the Board of Commissioners or the Borrower’s officers or employees, provided that such changes shall not

substantially alter the intent of such documents or certificates from the intent expressed in the forms previously executed. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of such document's final form.

4. The Borrower shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. To the extent the Financing Contracts would not be deemed designated, the Borrower hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

5. All prior actions of Borrower's officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this 6<sup>th</sup> day of July, 2020.

### **Steamers Lease**

Ms. Womble provided the Board with a six-month lease for Hicks Field with Edenton-Chowan Community Foundation, Inc. and Edenton Steamers Inc. She stated the lease is six months to allow for the manager to work with the Steamers and the Schools to determine maintenance needs. She stated that a long term lease will need to be considered and advertised at the end of this year.

Mr. Howard noted there are no capital obligations in the proposed lease and this will be negotiated in the future.

Commissioner Kirby moved to approve the six month lease. Chair Kersey asked for all in favor, the motion passed unanimously (7-0).

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

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

Commissioner Kirby stated that Mike Ervin has been hired as the Executive Director of the Albemarle Commission and started on that day.

### **Manager's Report**

County Manager Kevin Howard updated the Board on the following:

- Project Tracking Sheet  
A copy was provided to the Board members and is in the meeting file labeled July 6, 2020.
- Discussion of COVID grant scoring  
Mr. Howard provided the Board with information on the small business grant program which is now online and available for businesses to apply. The application deadline is July 31, 2020. He stated the Chamber and others have gotten the information out to local businesses.

- **Extension Grant**

The Extension Office has received a grant to build an outdoor educational area on the NC 32 side of the building. He provided the Board with proposed pictures and stated if there was no objection they would accept the grant.

Commissioner McLaughlin asked what the material would be for the pad.

Mr. Howard stated concrete.

### **Timely and Important Matters**

#### **Sheriff Retirement Announcement**

Sheriff Dwayne Goodwin stated that it has been a pleasure to serve Chowan County for the past 30 years. He stated he will be retiring effective August 1<sup>st</sup>.

Chair Kersey stated the Board would need to consider amending the agenda to handle the formalities of advertisement of the Sheriff salary for appointment of a Sheriff to fill the remainder of Sheriff Goodwin's term per the general statutes.

Ms. Arizaga-Womble explained the statutory requirements of the Board for the public in attendance. She noted that per the statutes the Chief Deputy will serve until the Commissioners make an appointment for the remainder of the term. She stated the Board will need to set the base salary and range.

Commissioner Cummings moved to amend the agenda to set the base salary and range for Chowan County Sheriff. Chair Kersey asked for all in favor, the motion passed unanimously (7-0).

Board members discussed the current salary of the Sheriff and proposed ranges. It was clarified that the Commissioners will set the salary for the appointed Sheriff based on their work experience.

Commissioner McLaughlin moved to set the salary range for Chowan County Sheriff with the base salary being \$60,000 and the max salary is \$90,000. Chair Kersey asked for all in favor, the motion passed unanimously (7-0).

#### **DOT and Intersections**

Commissioner McLaughlin stated his concern over the condition of the roads and the mowing that is needed.

Mr. Howard stated he has spoken to NCDOT about this and they are looking at using local DOT to address the tall grass.

Commissioner Kirby stated his concerns over the state overspending their budget by \$750 million and the lack of fiscal control.

#### **Budget Comments**

Chair Kersey stated her appreciation for Kevin and Cathy's work on the FY 2020-21 budget and thanked all department heads and employees for their efforts for next fiscal year. She thanked the Board for making sure the County maintains the 25% fund balance.

### **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