

Regular Meeting
Monday, March 20, 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 March 20, 2023.

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

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

Regular Meeting

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

Commissioner Kehayes 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 (7-0).

Public Comment

Chair Kirby opened the floor for public comment.

There was none.

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 February 6, 2023; February 20, 2023; March 6, 2023 Regular and Special meetings and the March 7, 2023 CIP Committee meeting.

- b. Tax Refund Release Report

| | | |
|-----------------------|----------|-------------|
| Lawrence Williams LLC | \$300.00 | Overpayment |
| Hamilton, C. | \$113.35 | Overpayment |

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

PARTF Grant Resolution

Mr. Howard presented the Board of Commissioners with a resolution authorizing the Parks and Recreation Trust Fund (PARTF) application and to direct staff to submit the application to Regional Recreation Services consultant. He stated the match is \$503,301 for the County. He stated this is due to increased project costs.

Commissioner McLaughlin moved to approve the resolution as presented.

Chair Kirby noted the proposed project has three phases and the other two are for later.

Mr. Howard stated the other projects will be placed on a future bond referendum on the ballot for voters to decide.

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

Resolution Endorsing Chowan County's Application For The 2023 Parks and Recreation Trust Fund Grant

Whereas, the Park and Recreation Trust Fund has been authorized by the State Assembly to award grant funds to eligible park, recreation and open space projects; and

Whereas, Chowan County seeks to improve amenities at Walker Community Center for use as a public recreation facility through a multi-phase approach; and

Whereas, Chowan County intends to request \$500,000 which is 49.83% of total project cost which is anticipated to be \$1,003,301 for Phase I.

NOW THEREFORE BE IT RESOLVED, that is the State of North Carolina approves the County's PARTF grant application, the Chowan County Board of Commissioners will allocate \$503,301 in matching funds, if its application is approved. These funds will be available when the grant is awarded in the Summer of 2023.

BE IT FURTHER RESOLVED that the Board will provide for the efficient operation and maintenance of the project on completion of the improvements thereof.

BE IT FURTHER RESOLVED that Kevin Howard, County Manager, and successors so titled. Are hereby authorized to apply to the Park and Recreation Trust Fund and directed to provide such information as the appropriate State agency may request in connection with the County's application.

BE IT FURTHER RESOLVED that the Chowan County has substantially complied or will substantially comply with all Federal, State and local laws, rules, regulations and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this date, the 20th of March, 2023.

Senior Tarheel Legislature Appointee Amendment

Ms. Stallings stated that Glorious Elliott is the current representative and Derrence Fivehouse is the alternate for Chowan County. Ms. Elliot has requested to be moved to the alternate

appointment and Derrence Fivehouse has agreed to serve as representative. It is recommended that the Board amend these appointments.

Commissioner Taylor moved to appoint Derrence Fivehouse as the representative and Glorious Elliot as the alternate on the Senior Tarheel Legislature. Chair Kirby asked for all in favor, the motion passed unanimously (7-0).

Extension Grant Request

Area Agriculture – Consumer Horticulture Agent Katy Shook presented the Board with a request to apply for a grant through Albemarle Electric Membership Corporation to complete the Chowan County Agriculture Center Arboretum Outdoor Classroom project (Phase 2). The total grant request is for \$5,000.

Commissioner McLaughlin noted the grant pre-application states that the grant is due by March 15th which has already passed.

Ms. Shook stated that the grant is monthly and they would apply in April.

Commissioner McLaughlin moved to approve the grant application request. Chair Kirby asked for all in favor, the motion passed unanimously (7-0).

Public Hearing – RZ-23-01 Rezoning

Chair Kirby stated that the Board will hold a public hearing to consider a rezoning request from Lynn Bulman for property located at 3340 and 3342 Rocky Hock Rd. from R-25 to A-1.

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

Planner Brandon Shoaf read the staff report into the record.

STAFF REPORT

To: Chowan County Commissioners and Manager
Date: February 25, 2023
Case: CC-RZ 23-01
Prepared By: Brandon Shoaf, Planning and Inspections Director

GENERAL INFORMATION

Applicant: Lynn Bulman
2128 Rivershore Dr.
Elizabeth City, NC 27909

Property Owner: Eric Hardy
109 Holly Cove St.
Franklin, VA 23851

Subject Property: 3340 and 3342 Rocky Hock Rd. (these two properties have been combined)

Adjoining Property Owners: See Attached List

Requested Action: Rezone the lot in the R-25 Zoning District to A-1

Tax PIN: 67000762123

Location: Rocky Hock/ Arrowhead Area
Size: 1.12 acres (from County GIS site)
Existing Zoning: R-25
Existing Land Use: Residential/ Rural

Surrounding Land Use & Zoning:

North- Residential, R-25- Single-family residences
South- Agricultural & Residential; A-1- Agricultural and existing residences
East- Residential; R-15- Existing subdivision/ community
West- Agricultural; A-1- Agricultural and Forested

Land Use Plan and Future Land Use Map:

Future Land Use Policies: Fostering Housing Choice

- **Policy C-13:** The County seeks to offer additional homeownership opportunities that accommodate current- day market and social trends to attract a variety of new residents: more attainable homeownership in a post- recession market for young professionals and retirees; opportunities for closer neighborhood relationships; and increased walkability to commercial and recreation areas.
- **Future Land Use Map-** Attached

Applicable Regulations: Chowan County Development Codes:
Zoning Ordinance; Article IV, Zoning Districts and Zoning Map-4.02
General Use Zoning Districts
Zoning Ordinance; Article V, Table 5-1, Table of Permitted Uses
Zoning Ordinance; Article XIV, Amendments- 14.02 Initiation of
Amendments, 14.03 Planning Board Review and Recommendation

ANALYSIS

The applicant seeks a rezoning of the subject property from R-25, Residential District to A-1, Agricultural District, which allows for the placement of manufactured homes. The applicant wishes to have the option of placement of a manufactured home there and has provided all required materials and has attempted to address this request in the attached application.

The Planning Board recommended, unanimously, at their regular meeting in February, that you approve this rezoning and affirmed that it was not inconsistent with the County's Land Use Plan. .

STAFF FINDINGS

The applicant seeks to change the current zoning from R-25 to A-1 to allow for the option of placement of manufactured housing on the lot.

Currently, there are a mix of manufactured homes, stick built homes and modular homes in the R-25 and A-1 Zoning Districts in the immediate area. The manufactured housing that is located in this district were in place when County Wide Zoning was adopted and as such have continued as nonconformities since then.

Chair Kirby asked if anyone signed up for public comment.

Ms. Stallings noted that Lynn Bulman, 529 Hughes Blvd. Elizabeth City is the Owners agent and signed up however she did not wish to speak unless the Board had specific questions for her.

Commissioner Kehayes asked how many structures are allowed on the property per acre.

Mr. Shoaf stated that one however the current zoning allows more than one structure is allowed based on its current zoning.

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

Commissioner McLaughlin asked if this also includes the combination of 3340 and 3342 into one parcel.

Mr. Shoaf stated yes and an address will be assigned based on the placement of the structure.

Commissioner Evans moved that the amendment would be consistent with the 2018 Land Use Plan or any other plan officially adopted by the Board of Commissioners because it provides for housing options in the County that may be limited now, but are a stated goal in the LUP. He stated he also moved that the request be approved as presented.

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

Water Items

Water Department Director David Tawes provided the Board with the following requests:

Annual Report

Mr. Tawes provided the Board with an update from the Water Department. A copy of his PowerPoint presentation is in the meeting file labeled March 20, 2023.

ARPA Funds for Test Well Construction

Mr. Tawes requested that the Board authorize the expenditure of \$1,000,000 in ARPA funds to help with funding test well construction as part of the study requirements for a reverse osmosis water treatment facility.

Chair Kirby noted that the project cost is \$1,031,267 and \$31,000 is from user fees the \$1,000,000 is from ARPA funds.

Mr. Howard stated these funds are currently sitting in an account.

Commissioner McLaughlin moved to approve the expenditure of \$1,000,000 in ARPA funds as presented by staff. Chair Kirby asked for all in favor, the motion passed unanimously (7-0).

Grant Acceptance Resolution

Mr. Tawes presented the Board with a request for approval of a resolution accepting ARPA grant funds in the amount of \$400,000 to fund engineering design and planning of the test wells for the reverse osmosis treatment plant.

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

RESOLUTION BY CHOWAN COUNTY BOARD OF COMMISSIONERS

WHEREAS, the American Rescue Plan (ARP) funded from the State Fiscal Recovery Fund was established in S.L. 2021-180 and S.L. 2022-74 to assist eligible units of government with meeting their water/wastewater infrastructure needs, and

WHEREAS, the North Carolina Department of Environmental Quality has offered American Rescue Plan (ARP) funding in the amount of \$400,000 to perform work detail in the submitted application; and

WHEREAS, Chowan County intends to perform said project in accordance with the agreed scope of work;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF CHOWAN COUNTY:

That Chowan County does hereby accept the American Rescue Plan Grant offer of \$400,000.

That Chowan County does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.

That Kevin Howard, County Manager, and successor so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with this project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

Adopted this the 20th day of March 2023.

Personnel

Mr. Tawes requested that the Board authorize him to begin the process to hire a position in the Water Department to allow the new hire to be trained by the current Administrative Secretary who is retiring in August 2023. Additionally, he requested that the position title be reclassified to Utility Customer Services Supervisor.

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

General Engineering Services Agreement

Mr. Tawes provided the Board with a request to approve a General Engineering Services Agreement with Rivers and Associates to complete various tasks that require a professional engineer licensed in North Carolina. He stated that the County believes that the grant that is being applied for will pay for these services.

Chair Kirby asked if this is to be paid from the Water Enterprise Fund.

Mr. Howard stated yes.

Commissioner Lawrence moved to approve the agreement based on final review and approval from the Manager and County Attorney. Chair Kirby asked for all in favor, the motion passed unanimously (7-0).

Leak Adjustment Policy Revision

Mr. Tawes presented the Board with a request to amend the leak adjustment policy. The currently policy allows for a 20% adjustment. The request is to increase the adjustment to 50%. He stated this policy would only apply to customers that have cutoff valves on their side of the meter as required by plumbing code.

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

GREAT Grant Agreements

Mr. Howard stated that staff has been working with the contractor and were provided four options for the contract. He stated that after reviewing the various agreements he would recommend approval of the first agreement (Exhibit J) which allows the County to use ARPA funds for the match in the amount of \$350,000 upfront. He stated this is for the Broadband project.

Commissioner Cummings moved to approve the first grant agreement option as recommended by staff and the approval be contingent on the County Attorney and Manager's final review and approval. Chair Kirby asked for all in favor, the motion passed unanimously (7-0).

Apex Bond

Ms. Arizaga Womble presented the Board with a recommendation to accept a surety bond in place of a cash bond for the Apex Wind Energy Project. A copy of the decommissioning Bond is in the meeting file labeled March 20, 2023. She stated that this bond is for 110% of the decommissioning which increases the bond amount and gives the County a buffer.

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

Courthouse Painting

Mr. Howard presented the Board with proposals for painting the 1st floor of the Courthouse. He stated the total project budget is \$8,109.75. Commissioner Cummings moved to approve the project as presented. Chair Kirby asked for all in favor, the motion passed unanimously (7-0).

Financial Items

Finance Officer Cathy Smith presented the following:

- a. Current Fiscal Year Budget Amendments
BA2023-062

| Account Number | Account Description | Revenue (Inc+/Dec-) | Expense (Inc+/Dec-) |
|-----------------------|---|------------------------|------------------------|
| Senior Center | | | |
| 11-3616-543-00 | Healthy Aging NC Grant - Revenue | 5,000.00 | |
| 11-4268-605-00 | Healthy Aging NC Grant - Expenditures | | 5,000.00 |
| | | | |
| | Balanced | 5,000.00 | 5,000.00 |
| Justification: | | | |
| | <i>To amend the 2023 budget for Senior Center to include Healthy Aging NC Grant received 03/07/23 .</i> | | |

BA2023-063

| Account Number | Account Description | Revenue (Inc+/Dec-) | Expense (Inc+/Dec-) |
|--------------------------|--|------------------------|------------------------|
| Register of Deeds | | | |
| 11-3418-415-00 | *Preservation/Automation | 724.16 | |
| 11-4180-298-00 | *Dept Supplies - Auto/Pres | | 241.38 |
| 11-4180-440-00 | *Contr Svcs - Automation/Pres | | 241.39 |
| 11-4180-511-00 | *C/O - Auto / Pres | | 241.39 |
| Sheriff's Office | | | |
| 11-3431-240-00 | *Project Lifesaver | 300.00 | |
| 11-4317-298-00 | *Project Lifesaver | | 300.00 |
| Animal Shelter | | | |
| 11-3438-894-00 | *Donations - Chowan | 265.00 | |
| 11-3438-894-01 | *Donations - Gates | 1,266.00 | |
| 11-3438-894-02 | *Donations - Perquimans | 275.00 | |
| 11-3438-894-03 | *Donations - Other | 720.00 | |
| 11-4381-600-00 | *Donation - Expense | | 2,526.00 |
| 11-3438-895-00 | *Adoption - Chowan | 1,360.00 | |
| 11-3438-895-01 | *Adoption - Gates | 410.00 | |
| 11-3438-895-02 | *Adoption - Perquimans | 100.00 | |
| 11-3438-895-03 | *Adoption - Other | 580.00 | |
| 11-4381-441-00 | *Contr Svcs - Spay/Neuter | | 2,450.00 |
| Recreation | | | |
| 11-3612-487-00 | *Recreation Donations | 750.00 | |
| 11-6130-299-01 | *Donations - Dept Supplies | | 750.00 |
| Senior Center | | | |
| 11-3616-533-00 | *Reg Fees - Trips | 1,911.50 | |
| 11-4268-312-00 | *TRIPS - Senior Citizens | | 1,911.50 |
| 11-3616-533-01 | *Registration Fees Activities | 210.20 | |
| 11-4268-299-01 | *Activities - Dept. Supplies | | 210.20 |
| 11-3616-535-03 | *Healthways | 414.00 | |
| 11-4268-352-02 | *Healthways | | 414.00 |
| | Balanced | 9,285.86 | 9,285.86 |
| | | | |
| | Total Discretionary Income Received FYE 2023 | 207,282.76 | |
| Justification: | | | |
| | <i>To amend the 2023 budget to include Discretionary income for February 2023.</i> | | |

BA2023-064

| Account Number | Account Description | Revenue (Inc+/Dec-) | Expense (Inc+/Dec-) |
|-----------------------------|--|------------------------|------------------------|
| Emergency Management | | | |
| 11-3433-394-00 | Homeland Security Grant 2020 - Revenue | 13,200.00 | |
| 11-4330-614-00 | Homeland Security Grant 2020 - Expenditure | | 13,200.00 |
| | Balanced | 13,200.00 | 13,200.00 |
| | | | |
| | | | |
| | | | |
| Justification: | | | |
| | <i>To amend the 2023 budget for Emergency Management to include Homeland Security Grant from NCDPS (NC Department of Public Safety).</i> | | |

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

b. Audit RFP Award

Ms. Smith stated that Request for Proposals (RFP) were sent out for Auditing Services. Two responses were received. It is recommended the Board authorize staff to award the contract to Thompson, Price, Scott, Adams & Co, P.A.

Commissioner Evans moved to approve the recommendation to accept TPSA as the County’s auditor. Chair Kirby asked for all in favor, the motion passed unanimously (7-0).

4-H Introductions and Invitation

4H Youth Development Agent Camaryn Byrum introduced the Board to youth who are showing livestock this year and also invite the Board to attend the Livestock Show on April 18th. Following the meeting, some of the youth along with their goats and lambs were outside to meet the Board after the meeting adjourned. The youth that spoke to the Board were Skyler Biggs, Sadie Biggs and Felicity Layden

External Board/Committee Report

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

Commissioner McLaughlin reported on the Mainstreet Conference he attended for Destination Downtown Edenton.

Commissioner Evans reported on the TDA Board upcoming Sounds of Summer in July 2022.

Manager’s Report

County Manager Kevin Howard did not have any additional pending matters to report.

Timely and Important Matters

There were none.

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).

Bob Kirby, Chairman

Susanne Stallings, Clerk