

Regular Meeting
Monday November 5, 2012
6:00 pm
Chowan County Public Safety Center
305 West Freemason Street

Minutes

The Chowan County Board of Commissioners held their regular meeting on Monday, November 5, 2012 at 6:00 pm at the Chowan County Public Safety Center. Present: Chairman Eddy Goodwin, Commissioners Keith Nixon, Jeff Smith, Emmett Winborne, Ralph Cole, Ellis Lawrence and John Mitchener.

Staff present: County Manager Zee Lamb, Finance Officer Kim Woodley and Board Clerk Susanne Stallings.

Chairman Eddy Goodwin called the meeting to order.

Agenda Amendment

Chairman Goodwin requested the Board consider amending the consent agenda to add a budget transfer as requested by Central Communications and the Finance Officer.

Commissioner Mitchener moved to amend the consent agenda to add the budget transfer.

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

Public Comment

Chairman Goodwin called for public comment in accordance with NCGS 153A-52.1.

There was no public comment.

Consent Agenda

Chairman Goodwin presented the consent agenda.

a. Tax Release and Collector's Report (attached)

Alexander, B.	\$278.24	SITUS Washington Co
Boyle, L.	127.74	SITUS Perquimans Co
Ean, H.	115.84	Gross recpts taxed through county
Ean, H.	139.99	Gross recpts taxed through county
Perry, C.	105.89	Vehicle traded
White, E.	107.09	SITUS Perquimans Co
Woodell, L.	168.46	SITUS Perquimans Co

b. Approval of Minutes

Attached are the minutes of the October 15, 2012 meeting for Board review.

c. **Budget Amendments**

<u>BA 1213-028:</u>		INCR	DECR			
11-3990-990-00	Fund balance appropriated	5,124				
11-4268-604-00	Senior Center Fundraiser	5,124				
Carry forward remaining proceeds from the <u>FY 2012</u> Senior Center fundraiser which were not expended.						
11-3990-990-00	Fund balance appropriated	1,221				
11-4268-904-00	Albemarle Comm.-nutrition	1,221				
Carry forward home delivered donations received in <u>FY 2012</u> which were unspent.						
11-3990-990-00	Fund balance appropriated	11,418				
11-4268-904-00	Albemarle Comm.-nutrition	11,418				
Carry forward home delivered donations received in <u>FY 2011</u> which were unspent in FY 2012. As presented at the 10-15-12 Board meeting, Albemarle Commission covered the overage in FY 2012 from re-allocated funds.						

<u>BA 1213-029:</u>		INCR	DECR			
49-3591-234-00	Lottery Proceeds		26,662			
49-5913-606-00	JA Holmes HS Admin renov.		26,662			
Adjust budget for JA Holmes High School renovation to actual amount spent. NC DPI will re-allocate the unspent funds to another project.						
49-3591-234-00	Lottery Proceeds	23,548				
49-5913-605-00	Chowan MS, White Oak ES natural gas conversion	23,548				
Appropriate additional funding for the Chowan MS and White Oak ES natural gas conversion as approved by NC DPI 10-25-12. Three burners rather than one as originally planned were needed at Chowan MS.						

BA 1213-030:		INCR	DECR			
11-3326-366-00	Soil & Water State Match		400			
11-4730-693-00	State contrib. to operating		400			
Adjust budget for State Soil & Water matching to the amount awarded by the State for FY 2013.						
BA 1213-031:		INCR	DECR			
11-3839-890-00	Miscellaneous revenue	200				
11-4247-351-00	NCCC repair & maint.-bldg	200				
Appropriate contribution from Gateway Community Health Centers, Inc. for a portion of the cost of cleaning the floors in the NCCC building. The remainder will be covered by the maintenance budget.						

BA 1213-032:		INCR	DECR			
41-4935-390-00	Repair Coop Extension Bldg	16,771				
41-4935-391-00	Repair PSC		3,837			
41-4935-393-00	Repair County Office Bldg		12,934			
		16,771	16,771			
Repairs of up to \$18,500 to the Cooperative Extension Building roof were approved by the BOCC at its 10-15-12 meeting. The maintenance director has obtained quotes which total \$19,922 for the needed repairs. There is currently \$3,151 in the repairs to the Coop Ext Bldg line item from the insurance company from Hurrican Irene. The remainder of the \$19,922 is included in this budget amendment. The ceiling tiles needed were not included in the original quotes given.						

		INCR	DECR
BT 2616:			
24-4270-510-00	Capital Outlay-equipment		6,500
24-4270-299-00	Departmental supplies	6,500	

The capitalization threshold for fixed assets is \$5,000. The Finance Officer budgeted UPS battery back-ups as assets when they should have been budgeted as departmental supplies, due to the dollar amount involved. This budget transfer reallocates funding from the capital outlay account to the departmental supplies account to cover the invoice for the UPS backup batteries.

Ms. Woodley explained that the budget transfer that was added (BT 2616) needs to be paid by Friday. She stated this is for UPS back-up battery and replacement of batteries in Central. She stated the equipment is not considered capital but should be paid from departmental supplies with 911 monies.

Chairman Goodwin encouraged staff to stay on top of lottery balances.

Being no further discussion Commissioner Mitchener moved to approve the consent agenda. Chairman Goodwin asked for all in favor, the motion passed unanimously (7-0).

External Board/Committee Reports

Commissioner Cole reported on the activities of the Health Department Board.

Commissioner Lawrence reported on the activities of the COA Board.

Commissioner Nixon reported on the activities of the Animal Shelter Advisory Board, ECP Board (Edenton/Chowan Partnership), TDA Board and 300th Celebration Committee.

Chairman Goodwin asked Town Manager Anne-Marie Knighton to give the Board an update on the activities scheduled for the 300th celebration in Edenton.

Ms. Knighton shared information on events such as the display of the charter, a prayer service and a bell ringing (300 times) in observance of the 300th anniversary. She noted that the 300th Anniversary is a yearlong celebration and information on events can be found on www.visitedenton.com.

Six (6) Mile Fire District Approval

Edenton Fire Chief Craig Forlines presented the Board with maps and resolutions that designate the three six mile fire districts in Chowan County. The resolutions and maps show the Edenton Fire District, Center Hill Crossroads Fire District and Belvidere Chappell Hill Fire District. He introduced Center Hill Fire Chief Mike Hamilton and Lee Dail Assistant Fire Chief for Belvidere Chappell Hill Fire Department.

Commissioner Winborne commended the fire chiefs for all their hard work and thanked them for working to save money for the taxpayers who will now be included in the six mile district.

Chief Forlines thanked Julie Sharpe in Land Records for her hard work on the maps.

Chief Forlines and Mr. Lamb discussed the exploration of expansion of a volunteer substation in the southern end of the County.

Chief Forlines noted that a study was conducted by the county several years ago and that information has been helpful to begin studying this expansion.

Chairman Goodwin stated that he would like to thank Mr. Jeremiah Copeland for bringing the expansion to the Board's attention.

Commissioner Nixon stated he was appreciative of the swift work of staff on this project.

CHOWAN COUNTY BOARD OF COMMISSIONERS

R E S O L U T I O N

APPROVING FIRE INSURANCE DISTRICT BOUNDARIES

WHEREAS, fire district boundaries for incorporated volunteer fire departments are established by boards of county commissioners pursuant to N.C.G.S. 153A-233, which districts are also used for insurance grading purposes; and

WHEREAS, the fire district boundaries in the unincorporated portion of Chowan County need to be revised to change the way they have historically been described by a point to point description to by reference of maps created using the GIS system, and to reflect annexations by municipalities in the County; and

WHEREAS, the Chowan County Fire Marshal has caused to be created new fire insurance district map using the GIS system for the Edenton Rural, Exhibit A; fire district which are incorporated by reference into this Resolution; now, therefore, be it

RESOLVED that the Chowan County Board of Commissioners approves the boundary lines of the Edenton Rural, Exhibit A; Fire Insurance District, exclusive of current or future municipal town limits, and as represented in the GIS produced maps certified by the County Fire Marshal.

Motion made by Commissioner Mitchener, and seconded by Commissioner Smith, and approved on this being the 5th day of November, 2012.

CHOWAN COUNTY BOARD OF COMMISSIONERS

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WHEREAS, the fire district boundaries in the unincorporated portion of Chowan County need to be revised to change the way they have historically been described by a point to point description to by reference of maps created using the GIS system, and to reflect annexations by municipalities in the County; and

WHEREAS, the Chowan County Fire Marshal has caused to be created new fire insurance district map using the GIS system for the Center Hill Crossroads, Exhibit B; fire district which are incorporated by reference into this Resolution; now, therefore, be it

RESOLVED that the Chowan County Board of Commissioners approves the boundary lines of the Center Hill Crossroads, Exhibit B; Fire Insurance District, exclusive of current or future municipal town limits, and as represented in the GIS produced maps certified by the County Fire Marshal.

Motion made by Commissioner Smith, and seconded by Commissioner Mitchener, and approved on this being the 5th day of November, 2012.

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WHEREAS, fire district boundaries for incorporated volunteer fire departments are established by boards of county commissioners pursuant to N.C.G.S. 153A-233, which districts are also used for insurance grading purposes; and

WHEREAS, the fire district boundaries in the unincorporated portion of Chowan County need to be revised to change the way they have historically been described by a point to point description to by reference of maps created using the GIS system, and to reflect annexations by municipalities in the County; and

WHEREAS, the Chowan County Fire Marshal has caused to be created new fire insurance district map using the GIS system for the Belvidere Chappell Hill, Exhibit C; fire district which are incorporated by reference into this Resolution; now, therefore, be it

RESOLVED that the Chowan County Board of Commissioners approves the boundary lines of the Belvidere Chappell Hill, Exhibit C; Fire Insurance District, exclusive of current or future municipal town limits, and as represented in the GIS produced maps certified by the County Fire Marshal.

Motion made by Commissioner Smith, and seconded by Commissioner Winborne, and approved on this being the 5th day of November, 2012.

Resolution Approving an Installment Financing Contract to Refinance Other Existing Installment Financings and a Deed of Trust

Finance Officer Kim Woodley provided the Board with information on refunding of three loans. She noted the Board was not modifying loans but refunding. She stated that one loan is a 40 year loan with USDA for the Library, another is a 15 year loan on equipment for the Public Safety Center, and there is one additional loan with PNC for the Library that is also being refunded. She noted the Board approved the application to the LGC on September 17, 2012, held a public hearing and approved the amortization schedules. She stated this is on the agenda of the LGC for December 4, 2012 and hoped to close this refunding on January 8, 2012.

Being no further discussion, Commissioner Nixon moved to approve the resolution as presented. Chairman Goodwin asked for all in favor, the motion passed unanimously (7-0).

EXTRACTS FROM MINUTES OF BOARD OF COMMISSIONERS

* * *

A Regular Meeting of the Board of Commissioners of the County of Chowan, North Carolina was duly held at the Chowan County Public Safety Center, 305 West Freemason St., Edenton, NC 27932, the regular place of meeting, at 6:00 p.m. on November 5, 2012:

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* * *

Commissioner Nixon introduced the following resolution, a summary of which had been provided to each Commissioner, copy of which was available with the Clerk to the Board and which was read by title:

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF CHOWAN, NORTH CAROLINA, APPROVING AN INSTALLMENT FINANCING CONTRACT TO REFINANCE OTHER EXISTING INSTALLMENT FINANCINGS AND A DEED OF TRUST WITH RESPECT THERETO AND DELIVERY THEREOF AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS

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

WHEREAS, the County has the power, pursuant to the General Statutes of North Carolina to (1) purchase real and personal property, (2) enter into installment purchase contracts in order to finance or refinance the purchase of real and personal property used, or to be used, for public purposes, and (3) grant a security interest in some or all of the property purchased to secure repayment of the purchase price;

WHEREAS, the Board of Commissioners of the County (the "Board of Commissioners") has determined and hereby determines that it is in the best interest of the County to (1) enter into an Installment Financing Contract (the "Contract") with Branch Banking & Trust Company (the "Bank") in order to refinance (a) an installment financing contract entered into with the United States Department of Agriculture Rural Development that financed an addition to the Shepard-Pruden Memorial Library (the "**Library**"), (b) an installment financing contract entered into with RBC Bank (USA), the successor to which is PNC Bank, National Association, that financed an addition to the Library and (c) an installment financing contract entered into with the United States Department of Agriculture Rural Development that financed equipment and furnishings for the Public Safety Center (collectively, the "**Prior Contracts**"), and (3) to enter into a deed of trust and security agreement (the "**Deed of Trust**") related to the real property on which the Library is located (the "**Site**") that will provide security for the County's obligations under the Contract;

WHEREAS, the Board of Commissioners adopted a resolution on September 4, 2012 making certain findings with respect to, among other things, the proposed refinancing of the Prior Contracts;

WHEREAS, the Board of Commissioners conducted a public hearing with respect to refinancing the Prior Contracts on September 17, 2012 to receive public comments on the proposed refinancing, the Contract and the Deed of Trust;

WHEREAS, the County has filed an application with the LGC for approval of the LGC with respect to the County entering into the Contract and the County hereby determines that all findings, conclusions and determinations of the County in this Resolution are subject to such approval by the LGC;

WHEREAS, there has been presented to the Board of Commissioners the forms of the Contract and the Deed of Trust (collectively, the "**Instruments**"), copies of which have been made available to the Board of Commissioners, which the County proposes to approve, enter into and deliver, as applicable, to effectuate the proposed refinancing at an interest rate as specified in the term sheet provided by the Bank to the County; and

WHEREAS, it appears that each of the Instruments 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. ***Ratification of Prior Actions.*** All actions of the County, the County Manager, the Finance Officer of the County and the Clerk to the Board and their respective designees in effectuating the proposed refinancings are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the Instruments and the Modifications.

Section 2. **Approval, Authorization and Execution of Contract.** The County hereby approves the refinancing of the Prior Contracts in accordance with the terms of the Contract, which will be a valid, legal and binding obligation of the County in accordance with its terms. The County hereby approves the amount advanced by the Bank to the County pursuant to the Contract in an aggregate principal amount not to exceed \$3,600,000, such amount to be repaid by the County to the Bank as provided in the Contract. The form, terms and content of the Contract are in all respects authorized, approved and confirmed, and the Chairman of the Board, the County Manager, the Finance Officer of the County and the Clerk to the Board or their respective designees (the “*Authorized Officers*”) are, individually and collectively, authorized, empowered and directed to execute and deliver the Contract for and on behalf of the County, including necessary counterparts, in substantially the form attached hereto, but with such changes, modifications, additions or deletions therein as they may deem 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 Contract, 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 Contract as executed.

Section 3. **Approval, Authorization of Deed of Trust.** The form, terms and content of the Deed of Trust are in all respects authorized, approved and confirmed, and the Authorized Officers are, individually and collectively, authorized, empowered and directed to execute and deliver the Deed of Trust for and on behalf of the County, including necessary counterparts, in substantially the form attached hereto, but with such changes, modifications, additions or deletions therein as they may deem 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 Deed of Trust, 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 Deed of Trust as executed.

Section 4. **Further Actions.** The Chairman of the Board, the County Manager and the Finance Officer of the County are hereby designated as the County’s representatives to act on behalf of the County in connection with the transactions contemplated by the Instruments, and the Chairman of the Board, the County Manager and the Finance Officer of the County are authorized and directed to proceed with the refinancings in accordance with the terms of the Instruments, and to seek opinions on matters of law from the County Attorney, which the County Attorney is authorized to furnish on behalf of the County, and opinions of law from such other attorneys for all documents contemplated hereby as required by law. The Chairman of the Board, the County Manager and the Finance Officer of the County are hereby authorized to designate one or more employees of the County to take all actions which the Chairman of the Board, the County Manager and the Finance Officer of the County are authorized to perform under this Resolution, and the Chairman of the Board, the County Manager and the Finance Officer of the County or their designees are in all respects authorized on behalf of the County to supply all information pertaining to the transactions contemplated by the Instruments. The Authorized Officers are 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 Instruments

or as they may deem necessary or appropriate to implement and carry out the intent and purposes of this Resolution, including the on-going administration of the Instruments.

Section 5. **Repealer.** All motions, orders, resolutions, ordinances and parts thereof in conflict herewith are hereby repealed.

Section 6. **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 7. **Effective Date.** This Resolution is effective on the date of its adoption.

Local Emergency Planning Committee (LEPC)

Emergency Management Coordinator Cord Palmer stated the bylaws of the LEPC require him to present the Board with a membership roster annually. He stated that if there was interest from the Board to appoint a Commissioner to please let him know who the appointee is.

Chairman Goodwin requested that Mr. Palmer remind the Board of the responsibilities of the LEPC.

Mr. Palmer stated this is a "Right to Know" committee with regards to chemical storage in Chowan County and Perquimans County.

Commissioner Winborne asked if the committee has been active and made any discoveries.

Mr. Palmer stated the chemical storage and discovery is done by the State however the committee reviews the discoveries at the local level.

Commissioner Winborne asked if seasonal farm chemicals are included.

Mr. Palmer stated it depends on the amount of time the chemicals are stored and the requirements for reporting it.

(a copy of the membership roster is in the meeting file labeled November 5, 2012).

Veterans Annual Report

Veterans Service Officer Ronnie Sawyer provided the Board with an update on the activities of the Veterans Service Agency.

Timely and Important Matters

Golden Leaf

Commissioner Nixon provided the Board with information from Golden Leaf meetings of suggested proposals that have been received. He stated that the School Board has suggested three proposals. He stated that back when the Planning and Enterprise Committee was meeting and

planning for the consolidation of the COA campus the committee wanted to try to get Golden Leaf funds to renovate the former DF Walker (COA Campus) and create more partnerships with Edenton/Chowan Schools. He stated he was requesting a consensus of the Board to allow him to meet with School and COA representatives to discuss a joint proposal. He noted that such a proposal would likely have to be submitted by the County but he wanted to make sure both agencies are on board. He stated he has requested a meeting with Dr. Kandi Deitemeyer (COA President) and Dr. Alan Smith (Edenton/Chowan School Superintendent) and County Manager. He added he felt the renovation would be beneficial to both COA and to the schools to create a multiuse facility.

Chairman Goodwin stated his support of the meeting and the proposal.

Commissioner Winborne stated his support of the meeting and stated his concern regarding some of the proposals being brought forward to Golden Leaf.

Commissioner Mitchener requested to attend this meeting with the Schools and COA. He also added his concern for a request on the list for a tour boat stating this has been proposed in the past and was not a feasible project for the Town.

Ag Report

Commissioner Smith shared information with the Board the he received at a luncheon on the economic impact of agriculture on North Carolina and Chowan County economy. He stated that 17% of the jobs in Chowan County are Ag related which ranks this county 7th in the region.

Closed Session

Commissioner Mitchener moved that the Board go into closed session in accordance with NCGS 143-318.11 (3 and 5). Chairman Goodwin asked for all in favor, the motion passed unanimously (7-0).

The minutes of the closed session are sealed.

Being no further business for the closed session, Commissioner Smith moved that the closed session be adjourned. Chairman Goodwin asked for all in favor, the motion passed unanimously (7-0).

Adjourn

Being no further business before the Board the meeting was adjourned.

Edward C. Goodwin, Chairman

Susanne Stallings, Clerk

