

Regular Meeting
Monday, November 18, 2019
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 November 18, 2019.

Present Chair Patti Kersey, Commissioners Ron Cummings, Don Faircloth, Larry McLaughlin, Bob Kirby and Ellis Lawrence

Commissioner Greg Bonner was absent.

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

Call to Order

Chair Kersey called the regular meeting to order and led all in the pledge of allegiance she then offered the invocation.

Approval of Draft Agenda

Commissioner McLaughlin moved to approve the draft agenda as presented. Chair Kersey asked for all in favor, the motion passed unanimously (6-0).

Public Comment

Chair Kersey 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 October 21, 2019, October 22, 2019, October 23, 2019 (CIP), October 29, 2019 (Joint School Committee) and November 4, 2019 meetings.

b. **Tax Refund/ Release Report**

Mizelle, S.	\$1,100	Occupancy Tax penalty, information submitted
Harrell, S.	\$1,100	Occupancy Tax penalty, information submitted

c. **Surplus**

A request to declare the following items as surplus and authorize the disposal of the items on Gov Deals Sale

Sheriff Department Items:

06 Ford Crown Victoria- 2FAFP71W66X156464

07 Chev. Impala- 2G1WS55R879319485 (Burgundy)

11 Ford Crown Victoria- 2FABP7BV4BX175397
 04 Albemarle 24 boat- XWR24084D404
 EZ Loader Trailer for Albemarle 24- 1ZEADMTG54A035414

Board Clerk Susanne Stallings noted there were minor spelling and grammatical corrections to the minutes that did not change any of the material.

Commissioner Cummings moved to approve the consent agenda as presented and with the minor corrections to the minutes. Chair Kersey asked for all in favor, the motion passed unanimously (6-0).

Budget Amendments

BA1920-18

Account Number	Account Description	Revenue (Inc+/Dec-)	Expense (Inc+/Dec-)
Tax			
11-4140-521-00	C/O - Software		(750.00)
11-4140-440-00	Contract Services		750.00
	Balanced	-	-
Justification:			
	<p><i>To amend the 2020 budget for Tax to cover Vessel Valuation (boat and boat motor service) expenditures.</i></p>		

BA1920-19

Account Number	Account Description	Revenue (Inc+/Dec-)	Expense (Inc+/Dec-)
Capital Water Fund			
43-3981-001-00	NCDOT Reimbursement	(326,995.91)	
43-7120-191-00	Professional Services - Engineering		(78,994.07)
43-7120-440-00	Contract Services (Construction Fees)		(248,001.84)
	Balanced	(326,995.91)	(326,995.91)
Justification:			
	<p><i>To amend the budget to include fee revisions on the NC Hwy 32/NC Hwy 37 Intersection Realignment Water Main Relocation project. Project was approved by BOCC at 08/05/19 meeting. Original cost was \$429,757.09 and revised cost is \$102,761.18. Cost of project will be reimbursed by Department of Transportation.</i></p>		

BA1920-20

Account Number	Account Description	Revenue (Inc+/Dec-)	Expense (Inc+/Dec-)
Register of Deeds			
11-3418-415-00	*Preservation/Automation	677.35	
11-4180-298-00	*Dept Supplies - Auto/Pres		225.78
11-4180-440-00	*Contr Svcs - Automation/Pres		225.78
11-4180-511-00	*C/O - Auto / Pres		225.79
Sheriff's Office			
11-3431-232-00	*Sheriff Donations	100.00	
11-4317-440-00	*Donation - Expense		100.00
11-3431-235-00	*Sheriff Executions	8,900.27	
11-4316-440-00	*Sheriff Executions		8,900.27
11-3431-243-00	*KIDS & COPS	529.00	
11-4317-443-00	*KIDS & COPS Expense		529.00
11-3431-244-00	*Diving Donations	1,000.00	
11-4317-444-00	*Diving Donations Expense		1,000.00
11-3431-245-00	*Safe Kids Program	4,007.13	
11-4317-445-00	*Safe Kids Expense		4,007.13
Animal Shelter			
11-3438-894-00	*Donations - Chowan	95.00	
11-3438-894-01	*Donations - Gates	40.00	
11-3438-894-02	*Donations - Perquimans	45.00	
11-3438-894-03	*Donations - Other	75.00	
11-4381-600-00	*Donation - Expense		255.00
11-3438-895-00	*Adoption - Chowan	480.00	
11-3438-895-02	*Adoption - Perquimans	320.00	
11-3438-895-03	*Adoption - Other	537.50	
11-4381-441-00	*Contr Svcs - Spay/Neuter		1,337.50
Cooperative Ext:			
11-3495-370-00	*AG Program Fees Discretionary	468.96	
11-4953-440-00	*Ag Program Discretionary		468.96
11-3495-378-00	*4-H Fees Discretionary	372.00	
11-4953-448-00	*4-H Fees Discretionary		372.00
11-3495-379-00	*Livestock Program	1,370.00	
11-4953-449-00	*Livestock Program		1,370.00
11-3495-380-00	*ECA Discretionary	37.00	
11-4953-450-00	*ECA Discretionary		37.00
Recreation			
11-3612-487-00	*Recreation Donations	4,405.00	
11-6130-299-01	*Donations - Dept Supplies		4,405.00
Senior Center			
11-3616-533-00	*Reg Fees - Trips	6,934.00	
11-4268-312-00	*TRIPS - Senior Citizens		6,934.00
11-3616-533-01	*Registration Fees Activities	238.00	
11-4268-299-01	*Activities - Dept. Supplies		238.00
11-3616-535-03	*Healthways	1,233.00	
11-4268-352-02	*Healthways		1,233.00
	Balanced	31,864.21	31,864.21
			-
	Total Discretionary Income Received FYE 2020	73,326.24	
Justification:			
	<i>To amend the 2020 budget to include Discretionary income received through October 2019.</i>		

BA1920-22

Account Number	Account Description	Revenue (Inc+/Dec-)	Expense (Inc+/Dec-)
Recreation			
11-3612-506-00	NCDEQ Grant - Midway Dr. Boat Access	49,000.00	
11-6132-600-00	NCDEQ Grant - Midway Dr. Boat Access		49,000.00
	Balanced	49,000.00	49,000.00
Justification:			
<p><i>To amend the 2020 budget to include the Water Resources Development Grant from NC Department of Environmental Quality (NCDEQ) for the Midway Drive Dredging project. The NCDEQ grant is \$36,750 with matching funds of \$2,000 from ECP and \$10,250 from NC Wildlife Resources Commission. Grant application was approved by BOC on 10/24/18.</i></p>			

Commissioner Kirby moved to approve the budget amendments as presented. Chair Kersey asked for all in favor, the motion passed unanimously (6-0).

Tax Administrator Request

Tax Administrator Melissa Radke presented the Board with a request to move funds within the Tax budget to cover expenses to hire a new full time Tax Collector for the Collections office due to the retirement of a collections employee.

BA1920-021 was also attached to the request.

Commissioner Lawrence moved to accept the proposal as presented. Chair Kersey asked for all in favor, the motion passed unanimously (6-0).

Account Number	Account Description	Revenue (Inc+/Dec-)	Expense (Inc+/Dec-)
Tax			
11-4140-121-00	Regular Salaries		2,303.00
11-4140-181-00	FICA Expense		176.00
11-4140-182-00	Retirement Expense		206.00
11-4140-183-00	Insurance Expense		719.00
11-4140-521-00	C/O - Software		(3,404.00)
	Balanced	-	-
Justification:			
	<i>To amend the 2020 budget for Tax to cover additional salary and benefit expense due to staff retirement/replacement.</i>		

Financial Advisor Proposal

Mr. Howard presented the Board with a proposal from Davenport & Company LLC for financial advisory and consulting services on the John A. Holmes High School replacement/renovation project. He stated the cost is not to exceed \$30,000 and would be paid out of the FY 2020-21 budget.

Commissioner McLaughlin stated his concern over the Board action form stating that the fees assume there will be a 2020 bond referendum.

Mr. Howard stated the contract is based on a finished product. He stated that if the project is not completed the County will pay based on what work has been completed.

County Attorney Lauren Arizaga-Womble stated that this is a proposal and not the formal contract. She stated that the contract will come back to the Board however if the Board does not get a 2020 referendum the County cannot expect the financial advisor to work for no compensation and she stated an end date is needed in the contract.

Commissioner McLaughlin discussed the Parker Poe timeline noting their drop dead date for a referendum is May 8th.

Mr. Howard noted that May 8th is the drop dead date to get before the LGC prior to getting on the ballot.

Commissioner McLaughlin stated this process seems rushed with all that needs to be relayed to the public.

Mr. Howard stated that the contractor stated that he work done by Bond Counsel will have to be redone if the County pulls the plug on this project however the work done by the financial advisor may be used for the future project. He added the financial advisor stated they could look at a 2022 bond referendum.

Chair Kersey asked when the County could negotiate the fee. She wanted to know how many hours would be included in this max fee.

Ms. Arizaga-Womble stated that the contents need to be addressed in the contract.

Commissioner McLaughlin asked if the contract could address a potential FY 2020 or FY 2022 referendum.

Mr. Howard stated he would suggest moving on the 2020 date now and add language about how to move forward if they do not make the 2020 date.

Ms. Womble stated she agreed that the Board should start with the 2020 date. She stated that a provision should be included if the 2020 date is not met.

Mr. Howard stated the sooner they are under contract the sooner they can make an analysis to see if we are ready or not.

Commissioner McLaughlin asked if the 2020 date is not met would another contract have to be drafted.

Ms. Womble stated she did not think a new contract would have to be drafted the contract would change based on the new date.

Chair Kersey noted that Davenport does discuss an option B in their narrative.

Commissioner Kirby discussed the school construction manager timeline about a design. He stated he felt the schools do not need to do a design until the County is comfortable about the monies prior to doing any of this.

Mr. Howard stated he met with Dr. Jackson and reiterated the fact that the County does not want to take on new debt before it pays off its current debt. He stated the Financial Advisor will help paint this picture better.

Commissioner Kirby stated it is important to make sure that the project does not get ahead of the financing. He stated this is very important to him. He stated he does not want to over extend the County's taxing authority.

Commissioner McLaughlin asked at what point the County tells the schools to hold up.

Commissioner Lawrence asked about a schedule showing the debt payoff.

Commissioner Cummings stated he attended the School Board meeting and he felt that the School Board members are aware that the County Commissioners want to pay off its debt first. He stated that they know the County Commissioners feel this schedule is too aggressive.

Chair Kersey stated that the County needs a timeline similar to the school construction timeline.

Mr. Howard stated the financial advisor can do this.

Commissioner Cummings moved to give the County Manager and County Attorney the authority to put together a draft contract and bring it back to the Board for consideration. Chair Kersey asked for all in favor, the motion passed unanimously (6-0).

Parker Poe Engagement Letter- Updated

Mr. Howard stated that the Board will consider an updated engagement letter with Parker Poe for Bond Counsel Services for the John A. Holmes replacement/renovation project. He turned the matter over to the County attorney. He stated the not to exceed was \$20,000. He stated there were clauses in the contract. He stated they could not charge by the hour because of who is doing the work. The range is \$225-\$400 based on who is doing the work.

Ms. Arizaga-Womble stated that the contract letter states approximately \$20,000 it does not state not to exceed. She stated that if the bonds are not approved they will charge the county their hourly rates of their range.

Chair Kersey asked if we can ask if the contract can state not to exceed.

Ms. Womble stated that they may state not to exceed \$30,000. She stated this is the going rate for bond counsel.

Commissioner McLaughlin noted the Board action form does not note a 2020 Bond Referendum reference.

Ms. Womble notes it is in the engagement letter.

Chair Kersey asked if the Board wants to negotiate the contract.

Commissioner Kirby moved to have the manager discuss the fee with Parker Poe. Chair Kersey asked for all in favor, the motion passed unanimously (5-1 McLaughlin).

Planning Department Annual Report

Planner Brandon Shoaf provided the annual activity report from the Planning Department. A copy of the PowerPoint presentation is in the meeting file labeled November 18, 2019.

Following the presentation the Board discussed the Planning Board review the zoning ordinance. Mr. Shoaf stated that he will be working with the School of Government on new legislation which is requiring Counties to make statutory upgrades to their zoning ordinances starting in January. The Board discussed the vacancies on the Planning Board and the existing appointment policy.

Finance Officer Report

Finance Officer Cathy Smith provided the Board with financial reports through the month of October. A copy of the report is in the meeting file labeled November 18, 2019.

External Board/Committee Report

Board members reported on the activities of the external boards to which they have been appointed.

Commissioner Kirby reported on the Voluntary Ag District Board.

Commissioner Faircloth reported on the Destination Downtown Edenton Board.

Commissioner Cummings reported on the Health Department Board.

Commissioner McLaughlin reported on the Mental Health Board.

Manager's Report

County Manager Kevin Howard updated the Board on the following:

Former DF Walker Renovation

Construction tear out has begun. The contract assumed because the power was separate to all three buildings that water was also separate but it is not, so currently there is no water to the technology building. They are working on having lines installed to that building.

Dillard's Millpond repairs are 2/3 complete.

Midway Drive project – Dredging is complete.

Library – The architect visited the library and Mr. Howard is working on getting the original drawings of the building to assist with the design of the door.

Part time maintenance position, the maintenance director will be bringing a request soon to the Board to hire a part time person to do work that has been previously contracted. The County is not able to hire contractors who do not carry workers comp or liability insurance for small jobs. The Maintenance Director proposed to pay this part time worker from over time monies and contracted services lines.

Timely and Important Matters

COA

Chair Kersey noted that Robin Zinsmeyster is happy that the hole at the campus has been filled and repaired.

County Properties

Mr. Howard will review county owned properties including foreclosures at the retreat being planned for 2020.

Amend Agenda

Commissioner Cummings moved to amend the agenda to discuss cancelling the December 16, 2019 meeting. Chair Kersey asked for all in favor, the motion passed unanimously (6-0).

Cancel Meeting

Commissioner Cummings moved to cancel the December 16, 2019 meeting. Chair Kersey asked for all in favor the motion passed unanimously (6-0).

Adjourn

Commissioner McLaughlin moved that the meeting be adjourned. Chair Kersey asked for all in favor, the motion passed unanimously (6-0)

Patti F. Kersey, Chair

Susanne Stallings, Clerk