

**Minutes of the
Albemarle Commission Board of Delegates
January 21, 2021 6:00 P.M.**

Opening

Attorney John Leidy called the meeting to order at 6:02 p.m. Attorney Leidy asked each member to introduce themselves to the new members.

Invocation

Commissioner Robert Kirby led the Invocation.

Pledge of Allegiance

Attorney Leidy led the Pledge of Allegiance.

Determination of Quorum

The presence of a quorum was determined by Clerk and Administrative & Benefits Coordinator, Ashley Stallings, with thirteen (13) Members present.

<u>Name</u>	<u>County</u>
Clayton Riggs	Camden
Robert Kirby	Chowan
Owen Etheridge	Currituck
Rob Ross	Dare
Linda Hofler	Gates
Elizabeth Hedrick	Gates
Janet Russ	Hyde
Lloyd Griffin	Pasquotank
William Hoggard III	Pasquotank
Wallace Nelson-Alternate	Perquimans
Connie Brothers	Perquimans
Jordan Davis	Tyrrell
Tracey A. Johnson	Washington
 <u>Absent Members</u>	
Earl Pugh	Hyde
Fondella Leigh	Perquimans

Partners, staff, and guests present:

Attorney John Leidy of Hornthal, Riley, Ellis and Maland

Staff members:

Michael Ervin, Executive Director
David Whitmer, NWDB Director
Angela Welsh, ARPO Director
Laura Alvarico, AAA Director
Jeri Hansen, Finance Officer
Ashley Stallings, Clerk and Administrative & Benefits Coordinator
Sharon Smith, Special Projects Administrator

Guests and Partners

None.

Agenda (VOTE):

Commissioner Clayton Riggs motioned to approve the Agenda as presented, seconded by Commissioner Jordan Davis. With a roll call vote, the motion carried unanimously.

November 2020 Minutes (VOTE)

Commissioner Davis motioned to approve the minutes as presented, seconded by Commissioner Linda Hofler. With a roll call vote, the motion carried unanimously.

Public Comment:

None.

New Business:

A. Selection of 2021 Officers (VOTE)

Commissioner Hofler presented the nominations for 2021 Officers recommended by the nomination committee. The nominating committee recommended Commissioner Rob Ross for Chair, Commissioner Davis for Vice Chair, and Commissioner Fondella Leigh for Secretary.

Attorney Leidy stated the board would vote on each office individually beginning with the Chair.

Attorney Leidy opened the floor for any nominations for the Chair. At-Large Delegates William Hoggard and Janet Russ nominated Commissioner Lloyd Griffin for Chair. With no other nominations, the floor nominations were closed.

A roll call vote was conducted for Commissioner Ross for Chair with six (6) in favor and seven (7) against.

A roll call vote was conducted for Commissioner Griffin for Chair with seven (7) in favor and six (6) against.

Attorney Leidy declared Commissioner Griffin as the Chair.

Attorney Leidy opened the floor for any nominations for Vice Chair. Commissioner Tracey Johnson motioned to close the nomination of Vice Chair, seconded by Commissioner Riggs. With a roll call vote, the motion carried unanimously.

A roll call vote was conducted for Commissioner Davis for Vice Chair. With all in favor, Commissioner Davis was declared the Vice Chair.

Attorney Leidy opened the floor for any nomination for Secretary. Commissioner Johnson motioned to close the nomination of Secretary, seconded by Commissioner Kirby. With a roll call vote, the motion carried unanimously.

A roll call vote was conducted for Commissioner Leigh for Secretary. With all in favor, Commissioner Leigh was declared the Secretary.

Attorney Leidy then turned the meeting over to the new Chair, Commissioner Griffin.

Old Business:

A. Consent Order: EDA Housing and Essential Single-Family Rehab Loan Pool (ESFRLP)

Executive Director Michael Ervin discussed the EDA Revolving Loan Fund program, which was terminated in 2019. The checking account for this program was never closed. Executive Director Ervin stated the account needs to be closed, and any remaining funds should be transferred to

the Commission's general fund.

Executive Director Ervin also discussed closing the ESFRLP checking account that is no longer used.

Commissioner Riggs motioned to close both accounts as soon as possible, seconded by Commissioner Davis. The motion carried unanimously.

Report of the Executive Director

Executive Director Ervin stated the installation of the AV equipment in the conference room is scheduled for late February. Executive Director Ervin also mentioned coordinating an overview session of the Commission in the coming weeks for new members, and any other board member who may like to attend.

Staff Reports

Area Agency on Aging (AAA) Director, Laura Alvarico, discussed the nutrition bid recommendations that were provided to Executive Director Ervin.

ARPO Director, Angela Welsh, discussed the meeting the Rural Transportation Coordinating Committee (RTCC) and Rural Transportation Advisory Committee (RTAC) had on Wednesday, January 20, 2021. Director Welsh mentioned that NCDOT funding was beginning to stabilize. Chairperson Griffin asked Director Welsh about the status of the Safe Routes to School grant. Director Welsh mentioned the work is still moving forward as best they could.

NWDB Director, David Whitmer, discussed the operations status of the three NCWorks Career Centers.

Committee Reports

Attorney Leidy reported on information regarding ownership of real estate. Attorney Leidy stated the Albemarle Commission (the Commission) can obtain the authority, by statute, to own real estate. The statute also authorizes the Commission to pledge the real estate as security for an indebtedness used to finance the acquisition of said real estate, or for improvements of that property. For this to occur, the Commission would have to amend the Charter to include the specific language to allow this. To amend the Charter, it would have to be approved by all ten (10) member counties in the form of an amendment to the current Charter. Attorney Leidy recommends prior to amending the Charter, notifying the member governments that this is something the board of delegates believes is in the best interest of the organization, and to see if there is any opposition to amending the Charter.

Attorney Leidy discussed prior concerns about whether there would be continuing liability of the member governments if the Commission did own real estate and/or if a mortgage was held on real estate. Attorney Leidy stated in his office's opinion, if the Commission were to acquire real estate, the member governments would not be liable on any debt on the real estate, nor would they have any ownership interest in the real estate; that would remain with the Commission. Attorney Leidy discussed the scenario of a county withdrawing from the Commission. In this case, the county could withdraw; however, the ownership interest and any indebtedness would remain with the Commission. Attorney Leidy mentioned consulting with the UNC School of Government about any concern over whether this indebtedness would be guaranteed by, or accrued to, the individual counties. The UNC School of Government confirmed with Attorney Leidy's office's opinion; there is nothing in the general statute which would make the member counties in any way responsible for that indebtedness. This has been something that has been a concern and discussed in the past. Attorney Leidy states, in his office's opinion, this is not a legal concern.

Commissioner Riggs mentioned the previous concerns Camden County had in regards to ownership of a building, and being liable if the Commission dissolved. Attorney Leidy stated if the

counties didn't guarantee, the counties would have no obligation. Attorney Leidy discussed if the Commission had the legal authority granted by the Charter, and the Local Government Commission (LGC) approved financing where the counties were not required to guarantee, the counties would have no obligation in the event of a dissolution.

Commissioner Ross spoke of the history of past building discussions.

Chairperson Griffin explained to the new members this discussion is about how the Commission has outgrown the building, and the rental of the building, that we have with Perquimans County. Over the past several years, we have discussed building, or having our own facility vs renting, or working with Perquimans County to expand the current facility, using funds to help with expansion and pay rent.

Attorney Leidy reported on research conducted of the authority the Commission could have, if any, to engage in, or run a supplemental program to provide assistance with local schools under the Roadmap of Need Plan. Commissioner Ross characterizes this as an Economic Development issue. Attorney Leidy articulated the quality of education in the region is an Economic Development consideration. Attorney Leidy explains whether the Commission has the legal authority to engage in this type of program. Attorney Leidy discusses the general statutes and existing Charter may allow the Commission to apply for, accept, and receive funds that may be used for those purposes. Attorney Leidy questions whether this would be consistent with the mission of the Commission. Attorney Leidy states there is nothing stating it isn't consistent. However, Attorney Leidy expressed his concerns about this not falling within the actual expressed and typical programs operated by a Regional Planning organization like the Commission. In the opinion of Attorney Leidy's office, the Commission could create an argument that the Commission has the authority to engage in a partnership in this nature to provide these services. Attorney Leidy recommends requesting an opinion from the Attorney General's Office prior to taking any additional steps.

Chairperson Griffin requested Commissioner Kirby, Commissioner Ross, NWDB Director Whitmer and Executive Director Ervin discuss this further and bring any information and guidance back to the February meeting.

Board Member Comments:

Commissioner Johnson reported Washington County is still fighting COVID. Commissioner Johnson mentioned Washington County has new board members.

Commissioner Owen Etheridge reported Currituck County has completed the third (3rd) day of their COVID Clinic. Commissioner Etheridge complimented Albemarle Regional Health Services (ARHS) on the wonderful job they are doing. Commissioner Etheridge spoke about the county starting the budget process.

At-Large Delegate Russ reported an increase in COVID cases. At-Large Delegate Russ mentioned looking forward to working with the Commission.

At-Large Delegate Elizabeth Hedrick reported on COVID cases in Gates County.

Commissioner Davis thanked the board for electing him as Vice Chair. Commissioner Davis reported Tyrrell County is still affected by the Prison closure even though it has reopened at minimal capacity. Commissioner Davis reported the decrease in water revenue is a huge battle the county is facing, along with COVID.,

At-Large Delegate Hoggard spoke about the previous Revolving Loan Fund Program. At-Large Delegate Hoggard reported on the COVID cases.

Commissioner Hofler reported schools in Gates are reopening through a gradual process. Commissioner Hofler spoke about COVID cases. Commissioner Hofler spoke about the county starting the budget process. Commissioner Hofler mentioned the sales tax revenues have stabilized and/or increased due to more people shopping local.

Commissioner Ross reported on the COVID increases in Dare County.

Commissioner Kirby reported Chowan County is now a Tier 2 county. Commissioner Kirby reported receiving a \$15M grant from the State Department of Construction for the new high school. Commissioner Kirby reported the county voted to sponsor the Marine Highway Project Designation Application.

Commissioner Riggs reported Camden is now a Tier 3 county. Commissioner Riggs spoke about COVID cases and vaccines. Commissioner Riggs reported Commerce Park is progressing. Commissioner Riggs spoke about the county starting the budget process.

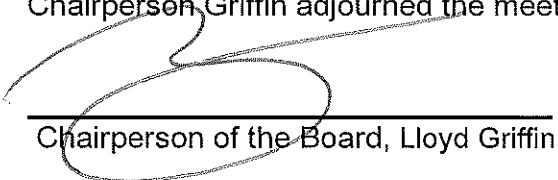
At-Large Delegate Connie Brothers thanked the board for having her as a member.

Commissioner Wallace Nelson thanked Connie for serving on the Albemarle Commission board. Commissioner Nelson reported on the COVID cases and vaccines. Commissioner Nelson also commended ARHS on their efforts during COVID.

Chairperson Griffin reported on the death of County Commissioner Frankie Meads. Chairperson Griffin spoke about the water quality in Pasquotank County. Chairperson Griffin spoke about 187.

Adjournment

Chairperson Griffin adjourned the meeting at 7:36 p.m.



Chairperson of the Board, Lloyd Griffin

Attested by:



Clerk to the Board, Ashley Stallings

2/18/2021
Date

