

Camden County Board of Commissioners

Regular Meeting

March 15, 2010

6:00 P.M. – Closed Session

7:00 P.M. – Regular Meeting

**Historic Courtroom, Courthouse Complex
Camden, North Carolina**

MINUTES

The regular meeting of the Camden County Board of Commissioners was held on Monday, March 15, 2010 at 7:00 p.m., with a closed session held at 6:42 p.m., in the Historic Courtroom, Camden, North Carolina. The following members were present:

Chairman Philip Faison
Vice Chair Sandy Duckwall
Commissioners Melvin Jeralds, Garry Meiggs and Michael McLain

Also present was County Manager Randell Woodruff, Clerk to the Board Ava Gurganus and Attorney John Morrison.

Closed Session

Commissioner Garry Meiggs made a motion to go into closed session pursuant to G.S. 143-318.11(a)(3) for the purpose of consulting with attorney and pursuant to G.S. 143-318.11(a)(6) for the purpose of discussing personnel. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Garry Meiggs, Michael McLain and Chairman Philip Faison voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

The Commissioners entered closed session at 6:42 p.m.

Commissioner Sandy Duckwall made a motion to recess closed session. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Garry Meiggs, Michael McLain and Chairman Philip Faison voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Closed Session recessed at 7:00 p.m.

Invocation & Pledge of Allegiance

Chairman Philip Faison called upon Commissioner Michael McLain to give the invocation and lead those present in the Pledge of Allegiance.

Public Comments

Christina Williams introduced a group of teens who performed a skit about what the services provided at the Pasquotank Camden Library.

No comments were heard from the public.

Consideration of Agenda

Chairman Philip Faison amended the agenda as follows: added *Item 5. Consent Agenda, H. Transition Plan*, removed *Item 7. F. Zoning Presentation – Dan Porter*, added *Item 7. F. Noblitt Property*.

Commissioner Garry Meiggs made a motion to approve the agenda as amended. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Garry Meiggs, Michael McLain and Chairman Philip Faison voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Old Business - Bid Results – GovDeals

Commissioner Melvin Jeralds made a motion to accept the highest bid of \$2,876.01 for the 2000 Ford Mustang, VIN 1FAFP4049YF254434 and the highest bid of \$3,225.00 for the 2005 Crown Vic VIN 2FAFP71W05X109381. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Garry Meiggs, Michael McLain and Chairman Philip Faison voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Commissioner Michael McLain made a motion to accept the second highest bid for the 2000 Ford Mustang, VIN 1FAFP4049YF254434 and the 2005 Crown Vic VIN 2FAFP71W05X109381 if the highest bidder defaults on the purchase. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Garry Meiggs, Michael McLain and Chairman Philip Faison voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Finance Officer Clarann Mansfield stated office equipment from the Register of Deeds was also on GovDeals and received no bids. Mrs. Mansfield stated she called the schools and asked Jay Cuthrell if they were interested in the office equipment.

Commissioner Garry Meiggs made a motion to allow the school to take the extra office furniture from the Register of Deeds office to use as they see fit and dispose of anything the school could not use. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Garry Meiggs, Michael McLain and Chairman Philip Faison voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Consent Agenda

Commissioner Sandy Duckwall made a motion to approve the consent agenda as amended. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Garry Meiggs, Michael McLain and Chairman Philip Faison voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

• Consent Agenda

February 24, 2010 Joint Meeting with Currituck County Board of Commissioners and Pasquotank County Board of Commissioners Minutes

March 1, 2010 Regular Meeting Minutes

Authorization to Collect – November 2009 Renewals

STATE OF NORTH CAROLINA

COUNTY OF CAMDEN

TO: The Tax Administrator of Camden County (Nov. Ren)03/01/10

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the office of the Tax Administrator and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon personal property of the respective taxpayers in the County of Camden, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell personal property of such taxpayers for and on account thereof, in accordance with the law.

| SOUTH MILLS | COURTHOUSE | SHILOH | TOTAL |
|--------------------|-------------------|-----------------|------------------|
| 11,316.11 | 12,877.29 | 4,978.41 | 29,171.81 |

Witness my hand and official seal this 15th day of March, 2010.

Chairman, Camden County Board of Commissioners

Attest:

Clerk to the Board of Commissioners of Camden County

This is to certify that I have received the tax receipts and duplicates for collection in the amounts as listed herein.

Tax Administrator of Camden County

Refunds To Be Issued by Finance Office in the amount of \$411.54.

Letter of Support – East Carolina Behavioral Health

Resolution No. 2010-03-01 – A Resolution of the Camden County Board of Commissioners to Protect The Room Occupancy Tax

Resolution No. 2010-03-01

A RESOLUTION OF THE CAMDEN COUNTY BOARD OF COMMISSIONERS TO PROTECT THE ROOM OCCUPANCY TAX

WHEREAS, the room occupancy tax funds tourism and marketing/promotional aspects related to tourism in Camden County; and

WHEREAS, sales tax in Camden County funds County operations including education, public safety, and human service programs; and

WHEREAS, State and local governments are experiencing their worst fiscal crisis since the depression; and

WHEREAS, reduction in revenue due to reducing or eliminating online travel companies tax on rooms would impact the ability of local governments to fund services; and

WHEREAS, reducing or eliminating online travel companies' taxes would provide them an unfair competitive advantage by providing them preferential tax treatment.

NOW, THEREFORE, BE IT RESOLVED, that the Camden County Board of Commissioners strongly opposes any action which impact local governments' ability to levy taxes on rooms that are marketed through online travel companies.

ADOPTED this the 15th day of March 2010.

Philip S. Faison, Chairman
Camden County Board of Commissioners

ATTEST:

(SEAL)

Ava Gurganus, NCCCC
Clerk to the Board

Budget Amendment 2009-10-BA035

BE IT ORDAINED by the Governing Board of the County of Camden, North Carolina that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2010.

Section 1. To amend the Social Services Fund as follows:

| ACCT NUMBER | DESCRIPTION OF ACCT | AMOUNT | |
|-----------------|---------------------|------------|----------|
| | | INCREASE | DECREASE |
| Expenses: | | | |
| 528000-520000 | Crisis Intervention | \$7,042.00 | |
| Revenues: | | | |
| 52330610-434819 | Crisis Intervention | \$7,042.00 | |

Increase in allocation 2/10/10.

This will result in an increase of \$0.00 in the Contingency of the General Fund.

Balance in Contingency \$371,463.00.

Section 2. Copies of this budget amendment shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Officer for their direction. Adopted this 15th day of March, 2010.

Clerk to Board of Commissioners

Chairman, Board of Commissioners

Tax Collection Report – February 2010 in the amount of \$194,535.57.

Transition Plan

- **End of Consent Agenda**

New Business -Tax Administrator – Monthly Tax Report

Tax Administrator Mary Rhodes reviewed the Monthly Tax Report.

New Business - Set Equalization & Review Board Hearing Dates

Commissioner Sandy Duckwall made a motion to set the Board of Equalization and Review Hearing to convene on April 19, 2010 and adjourn on May 17, 2010. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Garry Meiggs, Michael McLain and Chairman Philip Faison voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

New Business - Solid Waste Management Plan (3) Year Update

Commissioner Michael McLain made a motion to approve the Solid Waste Management Plan three (3) year update to the ten (10) year plan. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Garry Meiggs, Michael McLain and Chairman Philip Faison voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

New Business - Protective Covenants – Camden Middle School

Commissioner Sandy Duckwall made a motion to approve the Protective Covenants for Camden Middle School. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Garry Meiggs, Michael McLain and Chairman Philip Faison voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

New Business - Personnel Policy – Article VIII – Section 9

Commissioner Michael McLain made a motion to table this matter until a future meeting. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Garry Meiggs, Michael McLain and Chairman Philip Faison voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

New Business - Noblitt Property

Commissioner Melvin Jeralds made a motion for the County Manager to request estimates from George Wood & Company. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Garry Meiggs, Michael McLain and Chairman Philip Faison voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Commissioner's Report

Commissioner Michael McLain reported on attending the NACo conference in Washington, DC.

Commissioner Sandy Duckwall stated that training of new personnel has started at the Albemarle District Jail. There are a few issues to be settled before an occupancy permit is issued and that will enable the USDA loan to be closed by May 31, 2010.

Commissioner Michael McLain stated that the issue of the money flowing to Pasquotank County for the SPCA has been resolved.

County Manager's Report

County Manager Randell Woodruff reported on the following:

- Recess meeting until March 22, 2010 at 5:00 p.m. to approve financing documents from the Albemarle District Jail
- Ethics Webinar is scheduled for March 25, 2010
- Contacted Commissioners Association regarding SB1779; DMV is requesting a three (3) year delay to upgrade their system
- Retreat dates are April 22 and 23, 2010

Recess

Commissioner Michael McLain made a motion to recess the meeting until Monday, March 22, 2010 at 5:00 p.m. for the purpose of allowing the Jail Commission Bond Attorney Gundars Aperans to provide information regarding refinancing of the Albemarle District Jail project from the Local Government Commission for the Commissioners consideration and possible action. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Garry Meiggs, Michael McLain and Chairman Philip Faison voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

The meeting recessed at 8:02 p.m.

SOUTH CAMDEN WATER & SEWER DISTRICT

A South Camden Water and Sewer District Board of Directors meeting was held following recess of the regular Board of Commissioners meeting at 8:02 p.m.

2nd Closed Session

Commissioner Michael McLain made a motion to reconvene Closed Session. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Garry Meiggs, Michael McLain and Chairman Philip Faison voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

The Commissioners re-entered closed session at 8:44 p.m.

Commissioner Michael McLain made a motion to adjourn closed session. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Garry Meiggs, Michael McLain and Chairman Philip Faison voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Closed Session adjourned at 9:19 p.m.

March 22, 2010
5:00 p.m.
Reconvened Regular Meeting

Chairman Philip Faison called the March 15, 2010 recessed meeting to order. The following members were present:

Chairman Philip Faison
Vice Chair Sandy Duckwall
Commissioners Melvin Jeralds, Garry Meiggs and Michael McLain

Also present was County Manager Randell Woodruff, Clerk to the Board Ava Gurganus and Finance Officer Clarann Mansfield.

Amendment to Agenda

Commissioner Michael McLain made a motion to amend the agenda to add *Closed Session – Personnel*. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Garry Meiggs, Michael McLain and Chairman Philip Faison voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

3rd Closed Session

Commissioner Michael McLain made a motion to go into closed session for the purpose of discussing personnel. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Garry Meiggs, Michael McLain and Chairman Philip Faison voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

The Commissioners entered closed session at 5:04 p.m.

Commissioner Garry Meiggs made a motion to come out of closed session and back into regular session. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Garry Meiggs, Michael McLain and Chairman Philip Faison voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

The Commissioners re-entered regular session at 5:19 p.m.

Financing Documents for Albemarle District Jail - Resolution Approving Certain Documents Concerning the Financing of a New Regional Confinement Facility and Approving Certain Actions in Connection Therewith

Commissioner Michael McLain introduced *Resolution Approving Certain Documents Concerning the Financing of a New Regional Confinement Facility and Approving Certain Actions in Connection Therewith*.

Commissioner Michael McLain made a motion, seconded by Commissioner Garry Meiggs, to approve *Resolution Approving Certain Documents Concerning the Financing of a New Regional Confinement Facility and Approving Certain Actions in Connection Therewith*. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Garry Meiggs, Michael McLain and Chairman Philip Faison voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

**RESOLUTION APPROVING CERTAIN DOCUMENTS
CONCERNING THE FINANCING OF A NEW REGIONAL
CONFINEMENT FACILITY AND APPROVING CERTAIN
ACTIONS IN CONNECTION THEREWITH**

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

WHEREAS, the County, Pasquotank County, North Carolina and Perquimans County, North Carolina (collectively, the "Participating Counties") have determined to participate in an undertaking, pursuant to Section 153A-219 and Chapter 160A, Article 20, Part 1 of the North Carolina General Statutes, as amended, to finance a portion of the cost of a project to provide improved regional or district jail or confinement facilities for housing prisoners from the Participating Counties and, in order to execute such undertaking, entered into an Intercounty Agreement Concerning a New Regional Confinement Facility, dated November 17, 2006 (the "Intercounty Agreement"); and

WHEREAS, such project consists of the construction of a jail and related site improvements on approximately 15 acres of land owned by Pasquotank County in Pasquotank Commerce Park and the acquisition of furnishings and equipment therefor (the "Project"); and

WHEREAS, pursuant to the Intercounty Agreement, Pasquotank County financed a portion of the cost of the Project by entering into an Installment Financing Contract with RBC Centura Bank ("RBC"), dated November 21, 2006 (the "RBC Contract"), and financed another portion of the cost of the Project by entering into an Installment Financing Contract with Bank of America, N.A. ("BofA"), dated February 15, 2007, as modified by a Modification Agreement, dated April 14, 2008, and a Second Modification Agreement, dated June 29, 2009, between the same parties (the "BofA Contract"); and

WHEREAS, Pasquotank County and BofA desire to modify further the BofA Contract to extend its term and to make certain related changes; and

WHEREAS, pursuant to the Intercounty Agreement, it is now necessary or advisable for the Board of Commissioners for the County (the "Board") to approve certain documents and to approve certain actions in connection with modifying further the BofA Contract; and

WHEREAS, there have been presented for consideration by the Board copies of the following documents relating to such matter:

(a) a draft of a Third Modification Agreement, dated March 29, 2010, between Pasquotank County and BofA (the "Third Modification Agreement"), which would extend the term of the BofA Contract from March 31, 2010 to May 4, 2010 and make certain related changes; and

(b) a draft of a Third Amendment to Escrow Deposit Agreement, dated March 29, 2010, among Pasquotank County, RBC, BofA and RBC Centura Bank as escrow agent (the "Third Amendment to Escrow Deposit Agreement"), which would amend an Escrow Deposit Agreement, dated February 15, 2007, among the same parties, as amended by an Amendment to Escrow Deposit Agreement, dated April 14, 2008, and a Second Amendment to Escrow Deposit Agreement, dated June 29, 2009, among the same parties, that provides for the investment and disbursement of the proceeds of each of the RBC Contract and the BofA Contract so that such Escrow Deposit Agreement refers to the BofA Contract, as modified by the Third Modification Agreement; and

(c) a draft of a Third Amendment to Intercreditor Agreement, dated March 29, 2010, among RBC, BofA and Pasquotank County (the "Third Amendment to Intercreditor Agreement"), which would amend an Intercreditor Agreement, dated February 15, 2007, among the same parties, as amended by an Amendment to Intercreditor Agreement, dated April 14, 2008, and a Second Amendment to Intercreditor Agreement, dated June 29, 2009, among the same parties, that provides for the relative rights and duties of such parties with respect to certain provisions of the RBC Contract and the BofA Contract so that such Intercreditor Agreement refers to the BofA Contract, as modified by the Third Modification Agreement;

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

Section 1. Insofar as they are applicable to the County, the terms and provisions of the Third Modification Agreement, the Third Amendment to Escrow Deposit Agreement and the Third Amendment to Intercreditor Agreement are hereby approved in all respects.

Section 2. The Board hereby approves, ratifies and confirms the actions of the County Manager and the County Attorney of the County in connection with this matter.

Section 3. This resolution shall take effect immediately upon its passage.

Upon motion duly made by Commissioner Michael McLain and seconded by Commissioner Garry Meiggs, the foregoing resolution was passed by the following vote:

Ayes: Commissioners Melvin Jeralds, Sandy Duckwall, Garry Meiggs, Michael McLain and Chairman Philip Faison.

Noes: -0-.

Pay Increases

County Manager Randell Woodruff provided the Board with a list of pay increases for those employees whose job classifications were below the recommended pay scale as per the previous pay study performed by Springsted.

Commissioner Melvin Jeralds made a motion to adopt the pay increases with the exception of anyone who is not actively employed and will be eligible for pay increase upon return to work. The motion passed with Commissioners Melvin Jeralds, Garry Meiggs, Michael McLain and Chairman Philip Faison voting aye; Commissioner Sandy Duckwall voting no; no Commissioner absent; and no Commissioner not voting.

Commissioner Michael McLain made a motion for the pay increases to be effective starting March 30, 2010. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Garry Meiggs, Michael McLain and Chairman Philip Faison voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Job Description

County Manager Randell Woodruff reviewed and recommended approval of the job description for Human Resources Specialist as amended by Springsted.

Commissioner Michael McLain made a motion to adopt the amended job description for the Human Resources Specialist. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Garry Meiggs, Michael McLain and Chairman Philip Faison voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Adjournment

Commissioner Garry Meiggs made a motion to adjourn the meeting. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Garry Meiggs, Michael McLain and Chairman Philip Faison voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

The meeting adjourned at 5:22 p.m.

Philip S. Faison, Chairman
Camden County Board of Commissioners

Ava J. Gurganus, NCCCC
Clerk to the Board