

**Camden County Board of Commissioners
Regular Meeting
July 6, 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 Tuesday, July 6, 2010 at 7:00 p.m., with a closed session held at 6:00 p.m. in the Historic Courtroom, Camden, North Carolina. The following Commissioners were present:

Chairman Phil Faison, Vice-Chairman Sandra J. Duckwall,
Commissioners Melvin Jeralds, and Michael McLain.

Commissioner Garry Meiggs was absent.

Also attending were County Manager Randell Woodruff, Public Works Manager, David Credle, Interim Clerk to the Board Amy D. Barnett, and County Attorney John Morrison. Present for purposes of making a presentations or providing supporting information for agenda items were the following persons: Mr. Reed Adams, President of Criminological Associates Inc., and Ms. Kim Parrish.

Closed Session *Pursuant to G.S. 143-318.11(a)(3) - Consultation with Attorney
and Pursuant to G.S. 143-318.11(a)(6) - Personnel*

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

The Commissioners entered closed session at 6:00 p.m.

Vice-Chairman Sandra Duckwall made a motion to come out of closed session at 6:45 p.m. The motion passed with Chairman Phil Faison, Vice-Chairman Sandra J. Duckwall, Commissioners Melvin Jeralds, and Michael McLain voting aye; no Commissioner voting no; Commissioner Garry Meiggs absent; and no Commissioner not voting.

The Commissioners re-entered regular session at 7:00 p.m.

Invocation and Pledge of Allegiance

Commissioner Michael McLain gave the invocation and led those present in the Pledge of Allegiance.

Public Comments

No comments were heard from the public.

Consideration of Agenda

Chairman Phil Faison asked if there were any changes to the agenda. Chairman Phil Faison added 'Personnel-County Manager's Contract' under New Business as Item # D. Commissioner Michael McLain made a motion to approve the agenda as amended. The motion passed with Chairman Phil Faison, Vice-Chairman Sandra J. Duckwall, Commissioners Melvin Jeralds, and Michael McLain voting aye; no Commissioner voting no; Commissioner Garry Meiggs absent; and no Commissioner not voting.

Old Business

East Carolina Behavioral Health Resolutions (2 Resolutions)

Randell Woodruff described these two resolutions:

- Were actually addendums to the recently approved consolidation agreement
- These two resolutions deal with the composition of the Board (resolution 1) and the acquisition of real property by ECBH (resolution 2)

Resolution #1: Resolution Regarding the Composition of the Board of Directors for East Carolina Behavioral Health

RESOLUTION REGARDING THE COMPOSITION OF THE
BOARD OF DIRECTORS FOR EAST CAROLINA BEHAVIORAL HEALTH

WHEREAS, Albemarle Mental Health Center, Developmental Disabilities, Substance Abuse Services ("AMHC"), is a Local Management Entity as that term is defined by N.C.G.S. § 122C *et. seq.*, serving a catchment area comprised of the Counties of Camden, Chowan, Hyde, Pasquotank, Tyrell, Currituck, Dare, Martin, Perquimans, and Washington; and

WHEREAS, AMHC shall dissolve effective July 1, 2010 and the counties within its catchment area shall consolidate with East Carolina Behavioral Health ("ECBH") a Local Management Entity as that term is defined by N.C.G.S. § 122C *et. seq.*, serving a catchment area comprised of the Counties of Beaufort, Bertie, Craven, Gates, Hertford, Jones, Northampton, Pamlico, and Pitt; and

WHEREAS, ECBH is required to have an Area Board comprised pursuant to N.C.G.S. § 122C-118.1 and has determined that its Board shall be comprised of twenty-four (24) members, consisting of one (1) County Commissioner from each County within ECBH's catchment area and five (5) additional members appointed by the above nineteen (19) County Commissioners;

BE IT RESOLVED, that Camden County shall appoint one (1) County Commissioner as a member of the ECBH Area Board.

BE IT RESOLVED FURTHER that the Camden County Commissioners shall coordinate with ECBH and the other County Commissioners within ECBH's catchment area to ensure that the Area Board appointments are in accordance with N.C.G.S. § 122C-118.1; specifically, that the appointments take into account sufficient citizen participation, representation of the disability groups, and equitable representation of participating counties and that the Area Board includes two (2) individuals with financial expertise, an individual with expertise in management or business, and an individual representing the interests of children.

This the 6th day of July, 2010.

Phil Faison, Chairman
Board of Commissioners
Camden County

ATTEST:

Amy D. Barnett
Interim Clerk to the Board

(Seal)

Discussion:

Commissioner Jeralds asked if the real property could be disposed of by Camden and the other counties involved. Chairman Faison pointed out that the real property was part of the second resolution. Commissioner Jeralds clarified his point that after Camden merges with ECBH, then there will be 19 counties controlling the disposition instead of only 10.

Mr. John Morrison, the counties attorney, pointed out that once Camden County merges with ECBH, it will no longer be a member of Albemarle Mental Health.

Chairman Phil Faison asked the attorney that if the Board voted to pass the first resolution, would it mean they were accepting the second one. Mr. Morrison said that he had not reviewed the two resolutions, but said that Commissioner Jeralds point was well taken. If the Board voted to pass the first resolution, then the Camden County becomes a member of ECBH and ceases to be a member of Albemarle Mental Health. County Manager Randell Woodruff said he thought that had already been accomplished by the vote last meeting to Approve the Consolidation Agreement. Commissioner Michael McLain voiced a similar comment.

After further discussion regarding the status of the real property, Commissioner McLain pointed out that at the last meeting the Board voted to approve the Consolidation Agreement and as part of that agreed to transfer the ownership of the real property to ECBH. Commissioner Sandra Duckwall agreed with him and reiterated that it was part of the Consolidation Agreement.

Chairman Phil Faison asked if there were any further comments or questions from the Board regarding this resolution, he then called for a motion.

Commissioner McLain had one comment: he would like to have a Camden County representative on the ECBH Board of Directors. After his comment, Commissioner Michael McLain then made a motion to approve *Resolution Regarding the Composition of the Board of Directors for East Carolina Behavioral Health*. The motion passed with Chairman Phil Faison, Vice-Chairman Sandra J. Duckwall, Commissioners Melvin Jeralds, and Michael McLain voting aye; no Commissioner voting no; Commissioner Garry Meiggs absent; and no Commissioner not voting.

Resolution #2: Resolution Regarding Consolidation with Additional Counties and the Acquisition of Real Property by East Carolina Behavioral Health

RESOLUTION REGARDING CONSOLIDATION
WITH ADDITIONAL COUNTIES AND
THE ACQUISITION OF REAL PROPERTY
BY EAST CAROLINA BEHAVIORAL HEALTH

WHEREAS, Albemarle Mental Health Center, Developmental Disabilities, Substance Abuse Services ("AMHC"), is a Local Management Entity as that term is defined by N.C.G.S. § 122C *et. seq.*, serving a catchment area comprised of the Counties of Camden, Chowan, Hyde, Pasquotank, Tyrell, Currituck, Dare, Martin, Perquimans, and Washington; and

WHEREAS, AMHC shall dissolve effective July 1, 2010 and the counties within its catchment area propose to consolidate with East Carolina Behavioral Health ("ECBH") a Local Management Entity as that term is defined by N.C.G.S. § 122C *et. seq.*, serving a catchment area comprised of the Counties of Beaufort, Bertie, Craven, Gates, Hertford, Jones, Northampton, Pamlico, and Pitt; and

WHEREAS, AMHC proposes to transfer its interest in four (4) parcels of real property, situate in Camden County, Chowan County, Perquimans County, and Currituck County, to ECBH in consideration of the terms of the consolidation. The parcels of real property are more particularly described on Exhibit "A" affixed hereto and incorporated by reference;

BE IT RESOLVED, pursuant to N.C.G.S. § 122C-115 & 115.3, the counties within AMHC's catchment area may consolidate with ECBH, creating a catchment area consisting of nineteen (19) counties.

BE IT RESOLVED FURTHER that pursuant to N.C.G.S. § 122C-147(c), ECBH be, and hereby is, authorized to accept and hold title to AMHC's interest in that certain real property more particularly described on Exhibit "A" affixed hereto and incorporated herein by reference.

This the _____ day of _____, 2010.

Phil Faison, Chairman
Camden County Board of Commissioners

ATTEST:

Amy D. Barnett
Interim Clerk to the Board

(Seal)

County Manager Randell Woodruff described Resolution #2:

- Deals with the transfer of the Albemarle Mental Health Center property, its interest in 4 parcels of real property, situated in Camden, Chowan, Perquimans, and Currituck Counties to East Carolina Behavioral Health in consideration of the terms of the consolidation agreement
 - Camden's part of this would include
 - § Site in the Camden Medical Park
 - § Building used by Albemarle Mental Health Center
 - Was purchased and paid for by AMH
 - No debt to Camden County associated with that building

Discussion:

Chairman Faison told the Board that during the June Board of Directors meeting of ECBH which he and Randell Woodruff attended, it was mentioned that the property and building were originally acquired with a \$200,000 grant from the State of NC for Albemarle Mental Health Center. Chairman Faison then stated his understanding was that if Camden County did not agree to the terms of the consolidation, then the county would have to pay back the \$200,000. Chairman Faison asked Mr. Woodruff if that was what he understood; Mr. Woodruff concurred and stated that was what the attorneys for ECBH had stated.

County Attorney John Morrison asked the Board if Camden County had ever made any monetary investment in the building. Chairman Faison answered for the Board saying that Camden County had put no money into the property.

Chairman Faison then asked if there was any further discussion, and called for a motion on this resolution.

County Manager Randell Woodruff mentioned that he wanted to have a clause added to the deed, that the land could not be disposed of by ECBH, and that the property had to always be used for mental health services. He then stated that he thinks this may already be in the current deed as part of the deed restrictions placed on the past land owners, Albemarle Mental Health. Mr. Woodruff asked the county attorney if the current deed restrictions would still be binding on a new owner.

County Attorney John Morrison answered yes it would be binding, deed restrictions run with the land [and remain on the deed each time a deed is transferred from one owner to the next].

Chairman Faison asked again if there was any further discussion, and again called for a motion.

Vice-Chairman Sandra Duckwall made a motion to approve *Resolution Regarding Consolidation with Additional Counties and the Acquisition of Real Property by East Carolina Behavioral Health*. The motion failed on a 2-2 vote, with Chairman Phil Faison and Vice-Chairman Sandra J. Duckwall voting aye, Commissioners Melvin Jerals and Michael McLain voting no; Commissioner Garry Meiggs absent; and no Commissioner not voting.

After Vote Discussion:

Chairman Phil Faison asked County Attorney John Morrison for advice regarding whether this can be brought back to a later Board meeting since it was a tie vote. Mr. Morrison said that someone who voted against it would have to make the motion to approve it, but that it could be brought back at a meeting with all Board members in attendance.

Vice-Chairman Sandra Duckwall asked whether or not the county would be able to partner with the mental health without the resolution. Randell Woodruff responded that he wasn't sure but that it wouldn't be looked upon favorably by the ECBH Board that Camden County is not allowing this property to be transferred to them. Mr. Woodruff observed that ECBH already has access to, control over, and use of the property, but legally they do not own it, Camden County has not given consent.

County Attorney John Morrison offered an opinion that ECBH probably would have the right to expel a member.

Vice-Chairman Sandra Duckwall expressed a concurring concern, and brought up the point that Camden County would then have to provide their own mental health services at tremendous cost to the county's tax payers.

Mr. Morrison asked Chairman Faison if the Board might want to consider instructing him to review the resolutions, review the deed to the property, and consult with ECBH, and then report back to the Board. Chairman Faison, speaking for the Board, instructed him to do so.

Chairman Faison then said he wanted this item to be brought back up at the next meeting, where a descending voter from tonight's vote may be swayed to change their vote. By this statement, he indirectly instructed the clerk to place this item on the agenda for the next meeting.

SPCA Contract

Ms. Kim Parrish, President of the Pasquotank/Camden SPCA was introduced by Commissioner Michael McLain and asked to come to the podium by Chairman Phil Faison.

Chairman Faison asked the Board if they had questions regarding the SPCA Contract they had before them.

Commissioner Melvin Jeralds said he would like to have the amount of compensation to be entered onto the contract (under County Responsibilities, in the paragraph under the heading "First, Provide Compensation", paragraph number one). Randell Woodruff said that the amount of the annual financial compensation to be inserted in the above mentioned location is \$18,900, which would be Camden County's contribution.

Commissioner Melvin Jeralds also said he would like the quarterly payments to not coincide with the end of the fiscal year. He stated that quarterly payments starting with the month of August [and going for 3 month increments thereafter] would be best. Ms. Parrish stated that this did not seem to be a problem.

Commissioner Melvin Jeralds further stated that he would like to see a Camden County presence on the SPCA Board of Directors appointed annually beginning in January of each year. Ms. Parrish said that this is fine, and that Camden County may have a regular board member of the SPCA if they like (would require the SPCA Board to nominate and vote in whomever is appointed if a regular board member), or a simple representative of Camden County.

County Attorney John Morrison stated that his opinion is that he thinks what Camden County wants is an 'ex-officio' member, one seat to be reserved for Camden County on that board. His opinion is that just being a representative would not give any governing authority, and that Camden County would like to have some input in that regard. Ms. Parrish stated that is not a problem.

Vice-Chairman Sandra Duckwall asked the county attorney if the Board of Commissioners would need to make an appointment now, or wait until January. Mr. Morrison responded that the Board of Commissioners can do it now and then re-appoint at the first Board of Commissioners meeting in January, if the SPCA Board agrees to having a Camden County member on their Board.

Chairman Phil Faison asked if there were any further questions, hearing none, he asked Ms. Parrish to make the changes discussed and bring a revised contract to a future Board of Commissioners meeting.

Capital Improvements Program

Randell Woodruff described this agenda item:

- Annual Capital Improvements Program - includes all the measures the County currently has underway as well as some future projects.
- Have been some changes since last year on this program.
- This is a plan, not carved in concrete, nothing final about it, it's subject to being changed by the Board at any time with the exception of projects currently under way.
- Future projects are all subject to being changed.
- Tried to include projects that were in last years plan.
- Some of the projects in last years plan have been completed and have been deleted from this years plan, such as the Jail Project for instance.
- Projects in this years plan include:
 - Eco Park
 - US 17 Corridor Infrastructure Project
 - Expansion of the RO Water Treatment Plant
 - Shiloh Fire Station
 - South Mills Fire Station
 - Some Future Projects:
 - § South Mills Village Waste Water Project (received 1 grant, contingent on receiving additional grants)
 - § Administration Building
 - § 158 Wastewater Project to the Belcross Area
 - § Community Recreational Center
 - § Future School Project

Chairman Phil Faison asked the Board if they had any questions.

Commissioner Melvin Jeralds asked about the advertising for the public hearing in regards to the "Capital Improvements Program" which was held on June 21, 2010. He had a concern that the public may not have been aware that there was to be a public hearing. County Manager Randell Woodruff responded to this saying that he thought it had been advertised, but would have to go back and check to be sure.

Vice-Chairman Sandra Duckwall asked Commissioner Jeralds if what he was saying was that he didn't believe that the notice was advertised. Commissioner Jeralds responded that he didn't believe that the public was aware that the Capital Improvements Program was a topic for open discussion.

Vice-Chairman Sandra Duckwall observed that the document is available at the county offices for the public to review at any time. County Manager Randell Woodruff added that he has had some citizens to come in and pick up copies of the Capital Improvement Program documents.

County Manager Randell Woodruff stated that after adoption, the Capital Improvement Program documents will be placed on the internet for ease of access to anyone who wishes to view them.

Chairman Phil Faison asked if there were any further questions or comments, hearing none he asked for a motion to approve the Capital Improvement Program.

Commissioner Michael McLain made a motion to approve the Capital Improvement Program for 2011-2015. The motion passed with Chairman Phil Faison, Vice-Chairman Sandra J. Duckwall, Commissioners Melvin Jeralds, and Michael McLain voting aye; no Commissioner voting no; Commissioner Garry Meiggs absent; and no Commissioner not voting.

Consent Agenda

Vice-Chairman Sandra Duckwall made a motion to approve the Consent Agenda. The motion passed with Chairman Phil Faison, Vice-Chairman Sandra J. Duckwall, Commissioners Melvin Jeralds, and Michael McLain voting aye; no Commissioner voting no; Commissioner Garry Meiggs absent; and no Commissioner not voting.

Consent Agenda

- A. Draft Minutes - June 21, 2010 Regular Meeting
- B. Budget Amendment - 2009-10-BA057:

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2009-10-BA057
CAMDEN COUNTY BUDGET AMENDMENT

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 General Fund as follows:

ACCT NUMBER	DESCRIPTION OF ACCT	AMOUNT	
		INCREASE	DECREASE
Expenses:			
106200-502000	Salary - JCPC		\$100.00
106200-503000	Part Time Salaries	\$2,393.00	
106200-507100	401K		\$544.00
106200-510000	Training		\$160.00
106200-514000	Travel		\$ 78.00
106200-531000	Gas & Oil		\$320.00
106200-532000	Office Supplies		\$109.00
106200-554000	Insurance		\$224.00
106200-568000	Restitution		\$200.00
106200-569000	Teen Court		\$ 16.00
106200-570002	Crown Kids		\$642.00

Final Grant budget adjustments.

This will result in a decrease of \$0.00 in the Contingency of the General Fund.

Balance in Contingency \$56,892.00.

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 6th day of July, 2010.

Clerk to the Board of Commissioners

Chairman, Board of Commissioners

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- C. Tax Releases, Pick Ups, & Refunds
 - D. Volunteer Form - Tammy Mercado
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New Business

Rev. William Sawyer Presentation

Rev. William Sawyer was not present at the meeting and so his presentation was removed from the agenda.

Presentation and Request by Reid Adams - "Future Population Growth"

Mr. Reed Adams, President of Criminological Associates Inc., made a presentation and a request to the Board regarding "Future Population Growth and the Importance of Establishing a Community Relations Commission". He requested permission from the Board to research creation of such a commission for Camden County. The Board granted him permission to commence research.

Voting Delegate Form for NCACC Annual Conference in August 2010

Vice-Chairman Sandra Duckwall made a motion to appoint Chairman Phil Faison as the Voting Delegate to the NCACC Annual Conference which will be held in August 2010. The motion passed with Chairman Phil Faison, Vice-Chairman Sandra J. Duckwall, Commissioners Melvin Jeralds, and Michael McLain voting aye; no Commissioner voting no; Commissioner Garry Meiggs absent; and no Commissioner not voting. Chairman Phil Faison's name will be typed onto the form, and signatures obtained, to be mailed prior to the forms submittal deadline.

Personnel-County Manager's Contract

Vice-Chairman Sandra Duckwall made a motion to approve the County Manager's Contract. The motion passed 3-1 with Chairman Phil Faison, Vice-Chairman Sandra J. Duckwall, and Commissioner Michael McLain voting aye; Commissioner Melvin Jeralds voting no; Commissioner Garry Meiggs absent; and no Commissioner not voting.

Commissioner's Report

Commissioner McLain had the following items to report:

Regarding the Weatherization Grant:

- This is a free grant to assist the public, those who qualify, in weatherization of their homes.
- Economic Improvement Council, who sponsors this grant, will do an Energy Audit for qualifying residents at no charge.
- Forms to apply for the grant are available at the County Offices.
- Utilization of this grant is one method to help with energy costs.

Regarding Work Force Development:

- Work Force Development is looking for volunteers to serve as members of their Board of Directors.
 - They need 2 people to serve;
 - Must be a business owner to serve;
 - Commissioner McLain has applications for anyone interested.
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County Manager's Report

County Manager, Randell Woodruff had the following items to report:

- Elizabeth City Social Security Administration Offices will be moving to offices located on Halstead Blvd Extended just before Forest Park Road.
 - They are having an Open House on July 20, 2010 from 1:00 PM to 3:00 PM and have invited the Camden County Board of Commissioners to stop by and participate in the Open House.
 - The Open House is open to the public.
 - Camden County Board of Commissioners will hold a joint meeting with the Camden County Board of Education on Thursday evening, July 8, 2010 at 5:30 PM at the Camden County Middle School in the Media Center. This will be a closed session to consult with county attorneys on a legal matter.
 - South Mills Supermarket will be closing its doors after over 30 years of business in Camden County. They have set July 17, 2010 as their last full day, after that they will be open on a reduced schedule in order to liquidate their stock and items in the building.
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At 7:43 p.m., Commissioner Michael McLain made a motion to recess the July 6, 2010 Camden County Board of Commissioners meeting for the purposes of convening the South Camden Water and Sewer District Board of Directors meeting. The motion passed with Chairman Phil Faison, Vice-Chairman Sandra J. Duckwall, Commissioners Melvin Jerals, and Michael McLain voting aye; no Commissioner voting no; Commissioner Garry Meiggs absent; and no Commissioner not voting.

At 8:07 p.m., Chairman Phil Faison reconvened the Camden County Board of Commissioners meeting.

Information from Board and Staff

- Randell Woodruff, County Manager, reminded the Board of the upcoming No OLF meeting with the property owners in the Hales Lake area which will be held on July 26, 2010 at 5:30 pm in the Camden County Senior Center. The event will be catered, a light dinner will be served.
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Chairman Phil Faison asked if there were any other matters to come before this Board, hearing none, he asked for a motion to adjourn the meeting.

Michael McLain made a motion to adjourn the Camden County Board of Commissioners meeting for July 6, 2010. The motion passed with Chairman Phil Faison, Vice-Chairman Sandra J. Duckwall, Commissioners Melvin Jeralds, and Michael McLain voting aye; no Commissioner voting no; Commissioner Garry Meiggs absent; and no Commissioner not voting.

The meeting was adjourned at 8:08 p.m.

Chairman Phil Faison
Camden County Board of Commissioners

ATTEST:

Amy D. Barnett
Interim Clerk to the Board