

Camden County Board of Commissioners

**October 19, 2009
Regular Meeting - 7:00 P.M.
Historic Courtroom, Courthouse Complex
Camden, North Carolina**

MINUTES

The regular meeting of the Camden County Board of Commissioners was held on Monday, October 19, 2009 at 7:00 p.m. in the Historic Courtroom, Camden, North Carolina. No closed session was held. The following members were present:

Chairman Philip S. Faison
Vice Chairman Melvin J. Jeralds
Commissioners Sandy Duckwall, Garry Meiggs and Michael McLain

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

Chairman Philip Faison called the meeting to order, gave the invocation and led those present in the Pledge of Allegiance.

PRESENTATIONS: Senior Tar Heel Legislature Update – Gwen Wescott

Mrs. Wescott, 105 Robert Street, reported on the Senior Tar Heel Legislative meetings in Raleigh on October 6 and 7, 2009. The next meeting will be in March 2010.

PRESENTATIONS: U.S. Census Bureau

No one appeared to give a presentation.

Public Comments

Chairman Philip Faison called for any comments from the public.

Willie Gallop, 460 Neck Road voiced his previous concerns regarding NCDOT installing railings on NC343 and Wickham Road due to road washout during heavy rain.

Chairman Philip Faison instructed the County Manager to call NCDOT regarding the matter.

Consideration of Agenda

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

Consent Agenda

Commissioner Garry Meiggs made a motion to approve the consent agenda as presented. 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**

October 5, 2009 Regular Meeting subject to correction of typographical and technical errors.

Volunteer Form – Brenda Sawyer

Tax Releases, Pick Up and Refunds

<u>Name</u>	<u>Amount</u>	<u>Type</u>	<u>Reason</u>	<u>No.</u>
Kelly Baronas	\$103.11	Release	Military Exempt	11532
Mitheo Moore	\$500.00	Pick Up	Code Enforce Lien	11536
James Mento	\$167.90	Pick Up	Listed in Wrong Co.	11436

Tax Collection Report – September 2009 in the amount of \$349,963.55.

Authorization to Collect – June 2009 in the amount of \$44,357.91.

Refunds to be Issued by Finance Office in the amount of \$1,838.58.

Set Public Hearing for CDBG Infrastructure Program for November 2, 2009.

• **End of Consent Agenda**

Old Business - Consideration of Special Use Permit UDO 2009-05-19 for Phase II & III of Camden Yards Material

This matter was set for public hearing at the July 6, 2009 Commissioners meeting and advertised in the Daily Advance.

Public Hearing was held on July 20, 2009 and this matter was laid over until September 8, 2009.

September 8, 2009 meeting Mr. Defoe (Navy representative) stated there would be minimal impact on the ROTH system at their Northwest Annex. Mr. Gregg Stewart speaking on behalf of Mr. Sawyer (Father in Law) still had concerns with the drainage/erosion around the culverts adjacent to the Sawyer Farm and Ponderosa Road. Mr. Coleman spoke about building up the soils around the pipes and placing rip rap to prevent erosion.

After further discussion staff recommended that a plan for the drainage/erosion be brought back and that an additional condition is added to the Special Use Permit that would require that the drainage/erosion improvements be in place within six months of the approval of the Special Use Permit.

Chairman Faison laid over the Public Hearing to such a time for staff to present a plan addressing the drainage/erosion and add the additional condition to the Special Use Permit addressing a time limit for the installation of the drainage/erosion improvements.

Staff worked with a local engineering firm to address the drainage/erosion issue from the Sawyer parcels. The plan was sent to both parties on October 9, 2009. The Special Use Permit revised to include a condition requiring a six (6) month period from date of approval to complete improvements.

Mr. Gregg Stewart requested an extension until November 2, 2009 for more time to review the material.

Mr. Chris Coleman opposed the extension.

Commissioner Melvin Jeralds made a motion to recess this matter until November 2, 2009 due to critical county staff on vacation. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Michael McLain and Chairman Philip Faison voting aye; no Commissioner voting no; no Commissioner absent; Commissioner Garry Meiggs remained recused and no Commissioner not voting.

Commissioner Garry Meiggs did not participate in the discussion or vote.

Old Business - Tax Releases, Pick Up and Refunds

Tax Administrator Mary Rhodes explained that tax releases, pick ups and refund numbers 11528 and 11529 were submitted due to auditing purposes.

Commissioner Michael McLain made a motion to recuse Commissioner Garry Meiggs from voting due to his position as property owner. 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 approve the tax releases, pick up and refunds numbers 11528 and 11529. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Michael McLain and Chairman Philip Faison voting aye; no Commissioner voting no; no Commissioner absent; Commissioner Garry Meiggs recused; and no Commissioner not voting.

<u>Name</u>	<u>Amount</u>	<u>Type</u>	<u>Reason</u>	<u>No.</u>
Ricky Edwards & Garry Meiggs	\$10,281.52	Release	Farm Use	11528
Ricky Edwards & Garry Meiggs	\$ 4,326.24	Release	Farm Use	11529

Old Business - Camden County Senior Services Advisory Board Bylaws

Commissioner Sandy Duckwall made a motion to approve the Camden County Senior Service Advisory Board Bylaws 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.

**Camden County Senior Services Department
Advisory Board By-Laws**

ARTICLE I

Name

The name of this organization shall be the Camden County Senior Services Department Advisory Board. It is established to provide oversight and support for all Senior programming in the Department.

ARTICLE II

Purpose & Objectives

The Camden County Senior Services Department Advisory Board shall be responsible for the following duties:

1. Serve as the liaison between the older citizens of Camden County and the County government.
2. Suggest policy and make recommendations to the Board of County Commissioners on special needs registry of the elderly.
3. Work to stimulate and promote needed services and programs for older persons.
4. Review and make recommendations concerning service proposals and funding of services that have an impact on older persons.
5. Consult with and assist the Senior Center Coordinator and the County Manager in the preparation of the department budget.
6. Review the proposed budget with the Senior Center Director and the County Manager prior to the time the Department Budget is submitted to the County Manager.
7. Perform other functions and duties as may from time to time be requested by the County Manager or the Board of Commissioners.

ARTICLE III

Membership

1. The Camden County Senior Services Department Advisory Board shall be composed of up to seven (7) members who are residents of Camden County to include the Director of Social Services or a designee and a County Commissioner.

The County Commissioner appointee shall be appointed annually by the Chairman of the Board of Commissioners. The Camden County Senior Services Department Advisory Board shall include at least three (3) members who are 55 years of age, excluding the Director of Social Services or a designee and the County Commissioner.

2. As the Camden County Senior Services Department Advisory Board is being reorganized the first three new appointees will serve a three year term and the remainder of appointees will serve a two year term so that the terms will be staggered. Thereafter all appointees shall serve for a two year term. Member may not serve for more than three consecutive two year terms.
3. All vacancies in the Camden County Senior Services Department Advisory Board shall be filled by appointment by the Board of County Commissioners within 60 days and the person appointed shall serve for the unexpired portion of the term.
4. Any member of the Board who misses more than three meetings in any twelve month period shall lose their status as a member of the Camden County Senior Services Department Advisory Board and shall be replaced by the Board of County Commissioners. Absences due to sickness, death of an immediate family member, or an emergency situation shall be considered approved absences, and shall not affect the member's status.
5. The roster of the Camden County Senior Services Department Advisory Board members shall always be available to the public and published on the County website.
6. Officers may be elected to succeed themselves, but may not exceed two consecutive terms in any position.
7. An orientation shall be held for all new members appointed to the Board.

ARTICLE IV

Meetings

1. Regular meetings of the Camden County Senior Services Department Advisory Board shall be held monthly or at least every other month or as otherwise directed by chair.
2. A majority of the Board shall constitute a Quorum for the transaction of business for any meeting of the Camden County Senior Services Department Advisory Board.
3. The meetings shall be subject to the open meetings law and advertised to encourage public participation.

ARTICLE V

Duties & Responsibilities

1. The principle officers of the Camden County Senior Services Department Advisory Board shall be a Chairperson, Vice-Chairperson, and a Secretary.
2. The Chairperson, Vice-Chairperson and the Secretary shall be elected by the Camden County Senior Services Department Advisory Board for a term of one year at its annual meeting in January of each calendar year.
3. Any vacancy in office elected by the Board may be filled by the Board for the unexpired portion of the term.
4. The Chairperson shall preside at all meetings on the Camden County Senior Services Department Advisory Board and shall represent the Board in approved activities on its behalf.
5. The Vice Chair shall preside in the event the Chair is not available.
6. The Secretary shall:
 - a. Record and keep a file of the minutes of the meeting of the board.
 - b. In general, perform all duties incident to the office of Secretary.

ARTICLE VI

Compensation

With the exception of the County Commissioner member and the DSS Director all citizen Board members shall receive a \$30 stipend for each regular monthly Board meeting attended in service to the organization.

ARTICLE VII

Department Budget

The Camden County Senior Services Department Advisory Board shall have the opportunity to review and make recommendations to the department budget annually at their monthly meeting prior to submission to the County Manager or the Board of Commissioners.

ARTICLE VIII

These by-laws may be amended by resolution of the Camden County Board of Commissioners. The Board of Commissioners may at the request of the Senior Services Board make such amendment.

ARTICLE IX

This resolution shall become effective October 19, 2009.

Amended this the 19th day of October, 2009 by the Camden County Board of Commissioners in Camden, North Carolina.

ATTEST:

Ava Gurganus
Clerk to the Board

Philip S. Faison, Chairman
Camden County Board of Commissioners
Camden County, North Carolina

Old Business - Consideration of Ordinance No. 2009-10-01 – Amendment to APFO Ordinance to Transfer Appeal Hearing Authority from the Board of Commissioners to the Board of Adjustment

Commissioner Michael McLain made a motion to approve Ordinance No. 2009-10-01.

Commissioner Melvin Jeralds stated that it was part of the Commissioner's duties and he felt it was appropriate for the Commissioners to continue to hear the appeals.

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

Ordinance No. 2009-10-01

**An Ordinance
Amending the Camden County
Code of Ordinances**

Camden County, North Carolina

BE IT ORDAINED BY THE CAMDEN COUNTY BOARD OF COMMISSIONERS as follows:

Article I: Purpose

The purpose of this Ordinance is to amend the Chapter 153 of the Camden County Code of Ordinances of Camden County, North Carolina, which was originally adopted by the County Commissioners on February 19, 2007, and subsequently amended and as otherwise incorporated into the Camden County Code.

Article II. Construction

For purposes of this Ordinance, underlined words (underline) shall be considered as additions to existing Ordinance language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. New language of proposed ordinance shall be shown in italics (*italics*) and underlined.

Article III. Amend Chapter 153 as amended of the Camden County Code which shall read as follows:

CHAPTER 153: ADEQUATE PUBLIC FACILITIES

§ 153.09 APPEALS REQUESTS.

(A) Appeals of CAPS determinations may be made to the Camden County ~~BOC~~ Board of Adjustment (BOA) within 30 days of the final CAPS determination in question. Appeal requests must be made in writing to the Administrator. The ~~BOC~~ BOA will review all appeals requests within 30 days of appeal request at an evidentiary hearing before it sitting as a quasi-judicial board. At the evidentiary hearing, the Administrator will present his reasons for the denial of the CAPS and the evidence it relied on in denying the CAPS. The applicant appealing the denial may present its reasons why the CAPS application should have, in its view, been approved and the evidentiary basis it contends supports approval. The ~~BOC~~ BOA may:

(1) Affirm the decision of the Administrator;

(2) Remand to the Administrator for further proceedings in the event evidence is presented at the hearing before the ~~BOC~~ BOA not brought before the Administrator; or

(3) Issue a CAPS. The ~~BOC~~ BOA will only issue a CAPS if it finds that the CAPS should have been issued by the Administrator as prescribed in the LSSACF.

(B) No CAPS shall be issued while a CAPS determination is being appealed until final action of the ~~BOC~~ BOA regarding the appeal.

Adopted by the Board of Commissioners for the County of Camden this 19th day of October, 2009.

County of Camden

Philip Faison, Chairman
Camden County Board of Commissioners

ATTEST:

Ava Gurganus
Clerk to the Board

(SEAL)

Public Hearing – Building of Fire Station on Keeter Barn Road in South Mills With Either Stimulus Money or Obtaining A Loan

Commissioner Michael McLain made a motion to go into public hearing to receive comments from the public regarding the building of a fire station on Keeter Barn Road in South Mills with either stimulus money or obtaining a loan. 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.

Chairman Philip Faison called for any comments from the public.

Chief Tommy Banks informed the Board of the need for a new fire station, equipment, training and volunteers and that their services are not limited to fire protection. SMVFD is moving forward with new fire station because the existing fire station is land locked and can not be expanded. The new fire station will be a Point of Distribution (POD) for any type of natural disaster. An EMS will be also be housed in the new station. Chief Banks stated they have applied for stimulus funding grant for the new fire station construction and anticipate hearing by end of December and if denied, they will borrow money from USDA. All state and local permits are in place. They are in the process of seeking proposals for architects by the end of October. The project may be started in 2010.

EMS Director Jerry Newell spoke regarding emergency medical service responders in the SMVF Department and future EMS service areas in the county.

Chief Tommy Banks thanked everyone who has helped and supported in the process of building the new fire station.

Hearing no further comments, Commissioner Sandy Duckwall made a motion to come out of public hearing. 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.

Board Term Expiration - Library Board – Nancy McAllister

County Manager Randell Woodruff stated that staff received a letter from Library Director Jackie King informing that Ms. Nancy McAllister has served two (2) consecutive terms and is not eligible for reappointment per the Library Board bylaws. Mr. Woodruff stated that this creates an open position for people to apply for the Library Board.

Chairman Philip Faison directed his question to Attorney John Morrison regarding Mr. Morrison's stating that his wife expressed interest in serving on the Library Board, to which, Mr. Morrison replied that his wife had expressed interest on a few occasions and is a retired librarian.

Commissioner Sandy Duckwall suggested that Mrs. Morrison fill out an application.

Commissioner Sandy Duckwall made a motion to accept the letter from Library Director Jackie King regarding Nancy McAllister and authorize the Chairman to send a letter of appreciation to Ms. McAllister. 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.

Board Appointment - Senior Services Department Advisory Board

Commissioner Sandy Duckwall made a motion to appoint Daniel Gray to the Senior Services Department Advisory Board for a term of two (2) years, expiring October 18, 2011. 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 - Refund Request – BAC Tax Service Corp.

Commissioner Michael McLain asked to be recused on the refund request for BAC Tax Service due to personal relationship.

Commissioner Melvin Jeralds made a motion to recuse Commissioner Michael McLain from voting. 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.

Tax Administrator Mary Rhodes stated that the Department of Revenue has recommended denial of the tax refund request.

Commissioner Melvin Jeralds made a motion to deny the refund request from BAC Tax Service. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Garry Meiggs, and Chairman Philip Faison voting aye; no Commissioner voting no; no Commissioner absent; Michael McLain recused; and no Commissioner not voting.

Commissioner Michael McLain took no part in the discussion or voting regarding this matter.

New Business - G.S. 143-64.32 - Written Exemption of Particular Contract – South Mills Fire Commission

Commissioner Sandy Duckwall made a motion to approve the written exemption for the selection of an architect regarding the construction of the SMVF Department on Keeter Barn Road per G.S. 143-64.32. 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 - Contract Renewal – Camden Soil & Water Conservation Board – Dianne Watts and Discussion of Technician with Pasquotank County and the Jointly Owned Truck

Commissioner Garry Meiggs made a motion to approve the Camden Soil and Water conservation Board Contract renewal with Dianne Watts and authorize the Chairman to sign the contract. 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 Sandy Duckwall made a motion to terminate the technician position, which is open at the present time, with Pasquotank County. 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.

Chairman Philip Faison instructed Randell Woodruff to call Pasquotank County Manager Randy Keaton to determine what can be done regarding purchasing or selling of the vehicle and after Mr. Woodruff's conversation, poll the Board with the information Mr. Woodruff received regarding the vehicle.

Commissioner's Report

Commissioner Melvin Jeralds stated he attended Judge Cole's swearing in ceremony.

County Manager's Report

County Manager Randell Woodruff reported the following:

- October 23, 2009 bookmobile dedication ceremony at the Pasquotank-Camden Library
- December 7, 2009 annual organization meeting – joint meeting at High School at 4:00 p.m. – Dinner with Board of Education –5:00 p.m. – 6:30 p.m. Organizational Meeting – 7:00 p.m. Regular Meeting.
- Joint Meeting with Board of Education was cancelled on October 19, 2009 and Mr. Woodruff stated that a meeting would be arranged with the County Manager, both board Chairs and Ron Melchiorre to discuss the bonds.

Adjournment

Chairman Philip Faison called the meeting adjourned.

The meeting adjourned at 8:08 p.m.

Philip S. Faison, Chairman
Camden County Board of Commissioners

ATTEST:

Ava J. Gurganus
Clerk to the Board