

Camden County Board of Commissioners

Regular Meeting

April 19, 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, April 19, 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 members were present:

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

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

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. 143-138.11(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 6:00 p.m.

Commissioner Garry Meiggs made a motion to come out of 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 regular session at 6:34 p.m. and recessed until 7:00 p.m.

Invocation and Pledge of Allegiance

Commissioner Melvin Jeralds gave the invocation and lead those present in the Pledge of Allegiance.

Perquimans County Commissioner Shirley Wiggins

Chairman Philip Faison acknowledged the passing of Perquimans County Commissioner Shirley Wiggins.

PRESENTATION: Charlotte Underwood

Charlotte Underwood, Director of Tourism at the Elizabeth City Convention Center, gave an update on the upcoming following events:

- Potato Festival May 15, 2010
- Museum of the Albemarle is hosting a Nags Head Casino night of shag dancing on Saturday, July 31, 2010
- Camden County Day on April 25, 2010 at the Museum of the Albemarle

PRESENTATION: Gwen Wescott – Senior Tar Heel Legislature and Library Board

Gwen Wescott, Senior Tar Heel Delegate and Library Board member, reported on the following regarding the Senior Tar Heel Legislature and Library Board:

- March 16 and 17 Senior Tar Heel Legislature Meeting in Raleigh
- Wore red ties for a Commissioner who died of a stroke and provided information regarding strokes
- Northeastern North Carolina is the stroke belt buckle
- Delegates are to wear purple between Mother's Day and Father's Day to make people aware of elder abuse; One (1) elderly person in every .22 tenths seconds is abused; from age 69 and over; spouses, adult children, paid help and facility staff are the main abusers.
- Most concern of seniors is dental health and dental problems
- Asking for place for seniors to lunch and learn
- Library Board: Book sale is in progress in the Library; attended two (2) programs on Indian culture in late fall; request a book from three (3) counties

PRESENTATION: Ethan Lema- Economic Improvement Council (EIC)

Ethan Lema stated that the EIC has received stimulus money for free weatherization service. Income levels have been raised and disability residents qualify immediately. Approximately twenty two (22) homes are being weatherized in the area. For more information, call 252-482-4459 x126.

Public Comments

No comments were heard from the public.

Consideration of Agenda

Chairman Philip Faison moved Item 7. New Business, F. Budget and Capital Improvement Program Calendar to Item 5. Consent Agenda, D.

Commissioner Melvin Jeralds requested discussion of road issues be added to the agenda under Item 7. New Business, F.

Chairman Philip Faison added Item 7. New Business, G. Social Service Position.

Commissioner Sandy Duckwall asked that Item 5. Consent Agenda, E. Tax Collection Report be added to the agenda.

County Manager Randell Woodruff stated that the meeting would be recessed until Monday, April 26, 2010 at 5:00 p.m. due to jail commission documents approval.

Commissioner Garry Meiggs 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.

Public Hearing - Resolution No. 2010-04-01 – Resolution Withdrawing Membership In Albemarle Mental Health Center and Development Disabilities and Substance Abuse Services

Commissioner Melvin Jeralds made a motion to go into public hearing to receive comments from the public regarding Resolution No. 2010-04-01. 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.

No comments were heard from the public.

Commissioner Michael McLain made a motion to close 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.

Consent Agenda

Commissioner McLain made a motion to approve 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

Draft Minutes – April 5, 2010 Regular Meeting subject to correction of typographical and technical errors.

Refunds to be Issued by Finance Office of \$106.54 and \$1,120.47.

Budget Amendments 2009-10-BA036, 2009-10-BA037, 2009-10-BA038 and 2009-10-BA039

**2009-10-BA036
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:			
106210-574000	Capital Outlay		\$14,000.00
105000-515000	Maintenance- Bldgs/Grounds	\$14,000.00	

Repairs at Health Department – Handicapped Ramp at Tax Office

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 19th day of April, 2010.

Clerk to Board of Commissioners

Chairman, Board of Commissioners

**2009-10-BA037
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:			
104200-502000	Salaries- Administration	\$ 410.00	
104300-502000	Salaries-Elections	\$ 115.00	

104400-502000	Salaries-Finance	\$ 753.00	
104410-502000	Salaries-Personnel	\$ 600.00	
104500-502000	Salaries-Tax	\$2,878.00	
104930-502000	Salaries-Inspections	\$1,275.00	
104800-502000	Salaries-Register of Deeds	\$ 458.00	
105110-502000	Salaries-SRO	\$1,191.00	
104410-545124	Pay Study 45%		\$7,680.00

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 19th day of April, 2010.

Clerk to Board of Commissioners

Chairman, Board of Commissioners

2009-10-BA038
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 Social Services Fund as follows:

ACCT NUMBER	DESCRIPTION OF ACCT	AMOUNT	
		INCREASE	DECREASE
Expenses:			
526100-502000	Salaries	\$4,700.00	
Revenues:			
52390610-439900	Fund Balance Appropriated	\$4,700.00	

Pay plan implementation (45% of difference)

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 19th day of April, 2010.

Clerk to Board of Commissioners

Chairman, Board of Commissioners

2009-10-BA039
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 Dismal Swamp Fund as follows:

ACCT NUMBER	DESCRIPTION OF ACCT	AMOUNT	
		INCREASE	DECREASE
Expenses:			
606000-502000	Salaries	\$200.00	
606000-503000	Part Time Salaries		\$200.00

Pay study (45% to minimum)

Pay plan implementation (45% of difference)

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 19th day of April, 2010.

Clerk to Board of Commissioners

Chairman, Board of Commissioners

Budget & Capital Improvement Program Calendar

Tax Collection Report- March 2010 in the amount of \$225,470.39.

New Business - Tax Administrator's Monthly Report

This matter was laid over until the May 3, 2010 agenda.

New Business - Consideration of Resolution No. 2010-04-01 – Resolution Withdrawing Membership in Albemarle Mental Health Center & Development Disabilities and Substance Abuse Services

Commissioner Sandy Duckwall made a motion to approve Resolution No. 2010-04-01. 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 No. 2010-04-01

**RESOLUTION WITHDRAWING MEMBERSHIP IN
ALBEMARLE MENTAL HEALTH CENTER &
DEVELOPMENT DISABILITIES & SUBSTANCE ABUSE SERVICES**

WHEREAS, Albemarle Mental Health Center Development Disabilities & Substance Abuse Services (AMHC) has experienced past operational and financial difficulties; and

WHEREAS, the North Carolina Department of Health & Human Services' Division of Mental Health, Developmental Disabilities & Substance Abuse Services (DMH/DD/SAS) assumed management responsibility of AMHC in January, 2009; and

WHEREAS, East Carolina Behavioral Health has been providing Local Management Entity (LME) mental health services under contract with DMH/DD/SAS since July 1, 2009 to the citizens of Camden County; and

WHEREAS, AMHC will potentially become a non legal entity and will not be able to provide LME mental health service to the citizens of Camden County sometime after July 1, 2010; and

WHEREAS, it is apparent that the Secretary of the North Carolina Department of Health & Human Services will approve a permanent legal dissolution of AMHC sometime after July 1, 2010.

NOW THEREFORE BE IT RESOLVED that the Camden County Board of Commissioners declares its intent to formally withdraw its membership in AMHC after meeting the requirements of G.S. 122C-115.3b and any other statutory requirements that may be required to facilitate this withdrawal.

BE IT FURTHER RESOLVED that the Camden County Board of Commissioners intend for this withdrawal of membership in AMHC to become effective on July 1, 2010.

ADOPTED this the 19th day of April, 2010.

Philip S. Faison, Chairman
Camden County Board of Commissioners

ATTEST:

(Seal)

Ava J. Gurganus, NCCCC
Clerk to the Board

New Business - Resolution No. 2010-04-02 – Resolution Requesting Membership in East Carolina Behavioral Health LME

Commissioner Garry Meiggs made a motion to approve Resolution No. 2010-04-02. 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 NO. 2010-04-02

RESOLUTION REQUESTING MEMBERSHIP IN EAST CAROLINA BEHAVIORAL HEALTH LME

WHEREAS, Camden County is currently a member of Albemarle Mental Health Center & Developmental Disabilities & Substance Abuse Services (AMHC); and

WHEREAS, AMHC will potentially become a non legal entity and will not be able to provide Local Management Entity (LME) mental health services to Camden County citizens sometime after July 1, 2010; and

WHEREAS, mental health services will continue to be needed by the citizens of Camden County after the dissolution of AMHC; and

WHEREAS, the North Carolina Department of Health & Human Services' Division of Mental Health, Developmental Disabilities & Substance Abuse Services (DMH/DD/SAS) has contracted with East Carolina Behavioral Health (ECBH) to provide LME services for Camden County; and

WHEREAS, ECBH has established a LME presence under a management contract with DMH/DD/SAS in Camden County since July 1, 2009;

WHEREAS, ECBH has indicated that it is open to establishing a permanent legal contract with Camden County to provide LME mental health services in the county; and

WHEREAS, ECBH will prepare a quantitative mental health needs assessment and prepare a strategic plan to address those mental health needs in Camden County; and

WHEREAS, ECBH is exploring the opportunity to make available to Camden County a seat on ECBH's Board of Directors.

NOW THEREFORE BE IT RESOLVED that the Camden County Board of Commissioners declares its desire to become a member of ECBH and to enter into a formal permanent contract membership arrangement with ECBH to become effective July 1, 2010.

ADOPTED this the 19th day of April, 2010.

Philip S. Faison, Chairman
Camden County Board of Commissioners

ATTEST:

(SEAL)

Ava J. Gurganus, NCCCC
Clerk to the Board

New Business - Resolution No. 2010-04-03 – A Resolution of the Camden County Board of Commissioners Regarding the Designation of an Official to Make Recommendations to the North Carolina Alcoholic Beverage Control Commission On ABC Permit Applications

Commissioner Garry Meiggs made a motion to approve Resolution No. 2010-04-03. 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 No. 2010-04-03

Resolution of the Camden County Board of Commissioners, County of Camden, Regarding the Designation of an Official To Make Recommendations to the North Carolina Alcoholic Beverage Control Commission on ABC Permit Applications

WHEREAS, G.S. 18B-904(f) authorizes a governing body to designate an official, by name or by position, to make recommendations concerning the suitability of persons or locations for ABC permits; and

WHEREAS, the County of Camden, wishes to notify the NC ABC Commission of its designation as required by G.S. 18B-904(f);

BE IT THEREFORE RESOLVED that Tony E. Perry, Sheriff of Camden County, is hereby designated to notify the North Carolina Alcoholic Beverage Control Commission of the County of Camden regarding the suitability of persons and locations for ABC permits within its jurisdiction.

BE IT FURTHER RESOLVED THAT notices to the County of Camden should be mailed or delivered to the official designated above as the following address:

Mailing Address:	P.O. Box 57
Office Location:	117 North NC343
City:	Camden, North Carolina
Zip Code:	27921

This the 19th day of April, 2010.

Philip S. Faison, Chairman
Camden County Board of Commissioners

ATTEST:

Ava J. Gurganus, NCCCC
Clerk to the Board

(SEAL)

New Business - Viper Radio Grant

The Governor's Crime Commission has approved the Sheriff's Office grant for the purchase and implementation of Viper Tower 800 MHZ Radios for the patrol vehicles and deputies. It is a 50/50 match. Total grant cost is \$105,978. Cost to the county is \$52,989. This cost will be requested in the 2010-2011 Budget.

FCC regulations will hinder present UHF system in 2013 and 800 MHZ radios will eliminate any potential problems and will be an asset to the Sheriff's Office.

Commissioner Michael McLain made a motion for the Sheriff's Department to proceed with submitting an application for the Viper Radio Grant. 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 - Road Issues

Commissioner Melvin Jeralds stated that Gumberry Road at the railroad crossing is in poor condition and provided recent pictures. Approximately nine (9) months ago the Planning Director Dan Porter has been in contact with the state highway commission and railroad company without any success. Commissioner Melvin Jeralds requested that the pictures be sent to District Representative Stan White and state representatives. Commissioner Melvin Jeralds feels this is a safety issue and hazardous to vehicles.

Commissioner Melvin Jeralds requested that NCDOT be contacted due to the weight limit on bridges located on Sawyers Creek Road and Scotland Road. Commissioner Melvin Jeralds also stated there is no weight limit sign posted for either bridge and that when NCDOT works on replacing the bridge over Sawyers Creek, use will increase on the Scotland Road bridge and others will have to make a circle detour from the intersection of NC343 and US158.

Commissioner Melvin Jeralds made a motion for the county manager to contact and send the pictures to Mr. White, Senator Basnight and Representative Owens for assistance and

support in correcting road problems. 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 - Social Services Position

Commissioner Melvin Jeralds made a motion for the previous position at the Department of Social Services to be filled. 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 stated that Mediacom has a new rate increase.

County Manager's Report

County Manager Randell Woodruff reported on the following:

- Community Park – this was a partial grant project the county undertook to expand and improve the Community Park. The project is winding down and there is a need for the Commissioners to authorize the expenditures of additional funds that were not covered. There will be additional expenditures other than the immediate payment for the wiring materials for the lighting.

Commissioner Michael McLain made a motion to pay Ricky McPherson \$25,000.00 from contingency to cover the wiring materials for the lighting at the Community Park. 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.

- Received notice from East Carolina Behavioral Health that they would like the Board of Commissioners to appoint a Commissioner to serve on the Board of Directors representing Camden County. This matter was tabled until May 3, 2010.
- County Assembly Day in Raleigh is May 19, 2010.
- National Day of Prayer at Vineyard Christian Church on May 6, 2010, 12 Noon
- Leadership Training by School of Government at Currituck Extension Center on May 6, 2010.
- Superintendent of Public Instruction June Atkinson will be at Camden Middle School on April 28, 2010.

Recess

Chairman Philip Faison recessed the meeting until 5:00 p.m on April 26, 2010.

The meeting recessed at 8:05 p.m.

BOARD OF EQUALIZATION AND REVIEW

Swearing In of E & R Board Members

This matter was laid over until May 3, 2010.

Convene E & R Board

Member Michael McLain made a motion to convene the E & R Board. The motion passed with Members Melvin Jeralds, Sandy Duckwall, Garry Meiggs, Michael McLain and Chairman Philip Faison voting aye; no member voting no; no member absent; and no member not voting.

Set Dates for E & R Hearings

Member Sandy Duckwall made a motion to set the hearing dates for May 3, 2010 at 5:15 p.m., contingent upon the number of applicants. The motion passed with Members Melvin Jeralds, Sandy Duckwall, Garry Meiggs, Michael McLain and Chairman Philip Faison voting aye; no member voting no; no member absent; and no member not voting.

Recess E & R Board

Chairman Philip Faison recessed the Board of Equalization and Review until May 3, 2010 at 5:15 p.m.

**Recessed Meeting
April 26, 2010
5:00 p.m.
Historic Courtroom, Courthouse Complex
Camden, North Carolina**

The recessed meeting of the Camden County Board of Commissioners reconvened on Monday, April 26, 2010 at 5:00 p.m. The following members were present:

Vice Chair Sandy Duckwall
Commissioners Melvin Jeralds and Michael McLain

Chairman Philip Faison and Commissioner Garry Meiggs were absent due to prior obligations.

Also attending was County Manager Randell Woodruff and Clerk to the Board Ava Gurganus.

Vice Chair Sandy Duckwall called the meeting to order at 5:00 p.m.

The purpose of the meeting was to review and approve the resolution for financing of the new regional jail.

Commissioner Melvin Jeralds made a motion to introduce *RESOLUTION APPROVING CERTAIN DOCUMENTS AND APPROVING AND AUTHORIZING CERTAIN ACTIONS IN CONNECTION WITH THE REFINANCING OF A PORTION OF THE COST OF A NEW REGIONAL CONFINEMENT FACILITY*. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, and Michael McLain voting aye; no Commissioner voting no; Chairman Philip Faison and Commissioner Garry Meiggs absent; and no Commissioner not voting.

Commissioner Melvin Jeralds, seconded by Commissioner Michael McLain made a motion to approve *RESOLUTION APPROVING CERTAIN DOCUMENTS AND APPROVING AND AUTHORIZING CERTAIN ACTIONS IN CONNECTION WITH THE REFINANCING OF A PORTION OF THE COST OF A NEW REGIONAL CONFINEMENT FACILITY*. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, and Michael McLain voting aye; no Commissioner voting no; Chairman Philip Faison and Commissioner Garry Meiggs absent; and no Commissioner not voting.

A recessed regular meeting of the Board of Commissioners for the County of Camden, North Carolina, was held in the Historic Courthouse, in Camden, North Carolina at 5:00 P.M. on April 26, 2010 (the regular meeting of said Board held on April 19, 2010 having been recessed to said place, time and date).

Present: Vice Chairman Sandy Duckwall, presiding, and Commissioners Melvin Jeralds and Michael McLain.

Absent: Chairman Philip Faison and Commissioner Garry Meiggs.

* * * * *

Commissioner Melvin Jeralds introduced the following resolution, a copy of which had been provided to each Commissioner and which was read by its title:

RESOLUTION APPROVING CERTAIN DOCUMENTS AND
APPROVING AND AUTHORIZING CERTAIN ACTIONS IN
CONNECTION WITH THE REFINANCING OF A PORTION OF THE
COST OF A NEW REGIONAL CONFINEMENT FACILITY

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, dated November 21, 2006, and financed another portion of the cost of the Project by entering into an Installment Financing Contract with the Bank of America, N.A., dated February 15, 2007, as modified by a Modification Agreement, dated April 14, 2008, a Second Modification Agreement, dated June 29, 2009, and a Third Modification Agreement, dated March 29, 2010, between the same parties (the "2007 Contract"); and

WHEREAS, Pasquotank County desires to borrow \$12,000,000 from the United States of America in order to refinance its obligations under the 2007 Contract on a long-term basis; and

WHEREAS, it is now necessary for the Board of Commissioners for the County (the "Board") to approve certain documents and to approve and authorize certain actions in connection with refinancing Pasquotank County's obligations under the 2007 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 an Installment Purchase Contract, between Pasquotank County and the United States of America (the "2010A Contract"), under which the United States of America (the "Lender") would advance funds in the amount of \$6,000,000 to refinance a portion of Pasquotank County's obligations under the 2007 Contract and Pasquotank County would be obligated to make Installment Payments (as defined therein) to repay the funds advanced to it and to make certain other payments, among other requirements, such obligations being subject to termination by Pasquotank County under certain circumstances as provided therein; and

(b) a draft of an Installment Purchase Contract, between Pasquotank County and the Lender (the "2010B Contract"), under which the Lender would advance additional funds in the amount of \$6,000,000 to refinance another portion of Pasquotank County's obligations under the 2007 Contract and Pasquotank County would be obligated to make Installment Payments (as defined therein) to repay the funds advanced to it and to make certain other payments, among other requirements, such obligations being subject to termination by Pasquotank County under certain circumstances as provided therein; and

(c) a draft of a Real Estate Deed of Trust for North Carolina (the "Deed of Trust"), which Pasquotank County would execute and deliver to a trustee for the benefit of the Lender and which would encumber the site of the Project and the improvements on such site and certain related property, subject to certain exceptions, as security for Pasquotank County's obligation to repay the funds advanced to it pursuant to the 2010A Contract and the 2010B Contract;

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 2010A Contract, the 2010B Contract and the Deed of Trust are hereby approved.

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. The officers and employees of the County are authorized and directed to take such other actions and to approve such other documents, certificates, undertakings, agreements or other instruments as they, with the advice of counsel, may deem necessary or appropriate to effectuate the transactions contemplated by the 2010A Contract, the 2010B Contract and the Deed of Trust.

Section 4. If any section, phrase or provision of this resolution is for any reason declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases or provisions of this resolution.

Section 5. All motions, orders, resolutions, ordinances and parts thereof in conflict herewith are hereby repealed.

Section 6. This resolution shall take effect immediately upon its passage.

Upon motion duly made and seconded, the foregoing resolution was passed by the following vote:

Ayes: Commissioners Sandy Duckwall, Melvin Jeralds and Michael McLain.

Noes: None.

* * * * *

I, Ava J. Gurganus, Clerk to the Board of Commissioners for the County of Camden, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a recessed regular meeting held on April 26, 2010 as relates in any way to the matters described therein and that said proceedings are recorded in Minute Book No.13 of the minutes of said Board.

WITNESS my hand and the corporate seal of said County, this 26th day of April 2010.

Ava J. Gurganus, NCCCC
Clerk to the Board of Commissioners

Adjournment

Vice Chairman Sandy Duckwall adjourned the meeting.

The meeting adjourned at 5:07 p.m.

Philip S. Faison, Chairman
Camden County Board of Commissioners

ATTEST:

Ava J. Gurganus, NCCCC
Clerk to the Board