

Camden County Board of Commissioners

Regular Meeting

April 5, 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 5, 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:

Vice Chair Sandy Duckwall

Commissioners Melvin Jeralds, Garry Meiggs and Michael McLain

Chairman Philip Faison was out of town.

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

Closed Session

Commissioner Michael McLain made a motion to go into closed session pursuant to G.S. 143-318.11(a)(3) for the purpose of Consultation 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, and Michael McLain voting aye; no Commissioner voting no; Chairman Philip Faison and Commissioner Garry Meiggs absent; and no Commissioner not voting.

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

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

The Commissioners re-entered regular session at 6:36 p.m. and recessed until 7:00 p.m.

Invocation & Pledge of Allegiance

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

PRESENTATION - College of the Albemarle (COA)

Roger Lambertson, Vice President of Trustees, introduced Acting President Ray Scaffia and Vice President for Business and Finance Jim Turdici. Mr. Lambertson thanked the Board for their support and stated COA will provide a formal budget request in the near future. Mr. Lambertson further stated that COA has the largest curriculum enrollment in the history of the college with 228 Camden residents in degree and diploma programs for the Spring 2010 semester; \$270,730 has been disbursed in scholarship and student aid for 2009-2010 academic year for students residing in Camden County; a new program called *Jobs Now Program* using federal stimulus money for training people in sheet metal working, solar energy installation, home energy auditing, sustainable landscaping, weatherization, green cleaning, medical billing and coding, pharmacy technician and veterinary assisting; seventy six (76) Camden residents were trained in occupational extension classes including Fire Training and EMS in 2009; basic skills training to one hundred twenty two (122) students from Camden County between January 2009 and December 2009.

PRESENTATION - NC Potato Festival

Cindy Williams, Volunteer for the North Carolina Potato Festival, requested a monetary donation and volunteers. For more information and volunteer, food and craft forms go to www.ncpotatofestival.com.

Public Comments

No comments were heard from the public.

Consideration of Agenda

Vice Chair Sandy Duckwall added *New Business, Item 7. H. Noblitt Property Wetland Mitigation, Consent Agenda, Item 5. H. Tax Releases, Pick Up and Refund, Consent Agenda, Item 5. I. Draft Minutes – March 31, 2010 Joint Meeting with Board of Education and New Business, Item 7. I. Donation to Potato Festival* to the agenda.

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

Old Business - Tourism Development Authority (TDA)

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

**BYLAWS
FOR
CAMDEN COUNTY TOURISM DEVELOPMENT AUTHORITY
(TDA)**

The Camden County Board of Commissioners, per Resolution No. 2004-10-02 dated October 18, 2004, created a Tourism Development Authority.

The following Bylaws adopted by the Camden County Board of Commissioners are for the purpose of the Camden County Tourism Development Authority (TDA) to follow when conducting public business:

1. Regular Meetings

The TDA shall hold a quarterly meeting on the second Tuesday of the first month in each quarter (Jan. April, July, Oct.). Exceptions may occur if regular meeting dates fall on a legal holiday. The meeting shall be held on the next business day, with acceptance of TDA majority. Meetings shall be held in the Camden County Historic Courtroom, and shall begin at 9:30 a.m., unless otherwise stated.

2. Special Meetings

The Chair, or a majority of the members of the TDA, may at any time call a special meeting of the Camden TDA by signing a written notice stating the time and place of the meeting and the subjects to be considered. The Chair or the members who call the meeting shall provide notice to the TDA Chairperson at least 48 hours before the meeting. Only those items of business specified in the notice may be transacted at a special meeting, unless all members are present or absentees have signed a written waiver.

If a special meeting is called to deal with an emergency, the notice requirements of this rule do not apply. However, the person or persons who call an emergency special meeting shall take reasonable action to inform the other members and the public of the meeting. Only business connected with the emergency may be discussed at the meeting.

3. Organizational Meeting

On the second Tuesday in October following the end of the fiscal year in which authority members are appointed, the TDA shall meet at the regular meeting time and place. The newly elected members of the TDA shall take and subscribe the oath of office as the first order of business. The Secretary to the TDA shall preside until a new Chair is appointed by the Camden County Board of

Commissioners. Following the appointment of a Chair, the TDA shall elect a Vice-Chair from among its members.

4. Agenda

The TDA Chair shall prepare the agenda for the meeting. A request to have an item of business placed on the agenda must be received at least 3 working days before the meeting. Any TDA member may, by a timely request, have an item placed on the agenda.

The agenda shall include, for each item of business placed on it, as much background information on the subject as is available and feasible to reproduce which shall be attached to the agenda. A copy of the agenda and attached materials shall be available for public inspection as soon as they are completed. Each TDA member shall receive a copy of the agenda.

5. Public Address to the Authority

Any individual or group who wishes to address the TDA shall make a request to be on the agenda to the TDA Chair at least 3 working days prior to the meeting.

6. Order of Business

Items shall be placed on the agenda according to the "Order of Business." The Order of Business for each regular meeting shall be as follows:

1. Call to order
2. Approval of minutes
3. Public comments
4. Discussion/adjustment of agenda
5. Public Hearing
6. Old Business
7. New Business
8. Committee Reports and Proposals
10. Chairman's Report
11. Adjournment

However, by general consent of the TDA, items may be considered out of order.

7. Powers of the Presiding Officer

The TDA Chair shall preside at meetings of the TDA. A member must be recognized by the Chair in order to address the TDA. The Chair shall have the following powers:

1. To rule motions in or out of order including the right to rule out of order any motion patently offered for obstructive or dilatory purposes;
2. To determine whether a speaker has gone beyond reasonable standards of courtesy in his remarks and to entertain and rule on objections from other members on this ground;
3. To entertain and answer questions of parliamentary law or procedure;
4. To call a brief recess at any time;
5. To adjourn in an emergency.

8. Action by the TDA

The TDA shall proceed by motion. Any member, including the TDA Chair, may make a motion.

9. Second Required

A motion shall require a second.

10. One Motion at a Time

A member may make only one motion at a time.

11. Substantive Motion

A substantive motion is out of order while another substantive motion is pending.

12. Adoption by Majority Vote

A motion shall be adopted by a majority of the votes cast, a quorum being present, unless otherwise required by these rules or the laws of North Carolina.

13. Debate

The Chair shall state the motion and then open the floor to debate on it. The Chair shall preside over the debate according to these general principles:

- (a) The introducer, the member who makes the motion is entitled to speak first;
- (b) A member who has not spoken on the issue shall be recognized before someone who has already spoken;
- (c) To the extent possible, the debate shall alternate between the opponents and the proponents of the measure.

14. Procedural Motions

In addition to substantive proposals, the following procedural motions, and no others, shall be in order.

- 1. To Adjourn. The motion may be made only at the conclusion of action on a pending matter; it may not interrupt deliberation of a pending matter.
- 2. To Take a Recess.
- 3. Call to Follow the Agenda. The motion must be made at the first reasonable opportunity or it is waived.
- 4. To Amend. An amendment to a motion must be germane to the subject matter of the motion, but it may achieve the opposite effect of the motion.
- 5. To Revive Consideration. The motion is in order at any time 60 days after a vote to defer consideration of it. A substantive motion on which consideration has been deferred expires 60 days after the deferral, unless a motion to revive consideration is adopted.
- 6. To Reconsider. The motion must be made by a member who voted with the prevailing side. The motion must be made at the same meeting at which the original vote was taken. The motion cannot interrupt deliberation on a pending matter but is in order at any time before adjournment.
- 7. To Prevent Reconsideration for 90 days. The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires a vote equal to a quorum and is valid for 90 days or until the next regular meeting, whichever occurs first.

15. Renewal of Motion

A motion that is defeated may be renewed at any subsequent meeting unless a motion to prevent reconsideration has been adopted.

16. Withdrawal of a Motion

After a second motion has been withdrawn, a motion may be withdrawn by the introducer at any time before a vote.

17. Duty to Vote

Every member must vote unless excused by a majority vote according to law. A member who wishes to be excused from voting, prior to any discussion being held, shall so inform the Chair who shall take a vote of the remaining members. The TDA may only excuse a member from voting on matters involving his own financial interest or official conduct.

18. Adoption of the TDA Budget and Authorization of Expenditures

The TDA shall propose and submit a budget to the County Manager's Office according to the budget schedule adopted by the Camden County Board of Commissioners. The TDA may make no single expenditure in excess of \$1,000.00 without the expressed permission of the Camden County Board of Commissioners given in open session of the Board of Commissioners.

19. Quorum

A majority of the membership of the Tourism Development Authority shall constitute a quorum. The number required for a quorum shall not be affected by vacancies. If a member has withdrawn from a meeting without being excused by majority vote of the remaining members present, he shall be counted as present for the purposes of determining whether a quorum is present.

20. Minutes

Minutes shall be kept of all meetings of the TDA and a copy shall be provided to the Board of Commissioners.

21. Effective Date

Adopted this the 5th day of April, 2010.

Sandy Duckwall, Vice Chair
Camden County Board of Commissioners

ATTEST:

Ava J. Gurganus, NCCCC
Clerk to the Board

Old Business – Navy Outlying Landing Field Update/Discussion

Attorney John Morrison clarified disturbing newspaper articles regarding Admiral Harvey meeting with individuals to discuss the OLF in Currituck County. It generated concern as to what Camden has been doing to resist the OLF. Attorney Morrison summed up what has been accomplished to date:

- It was not the Navy who selected Camden County but Governor Easley who put Camden on the Navy OLF list
- Board of Commissioners passed Resolutions in opposition
- Camden asked Currituck County, Pasquotank County and City of Elizabeth City to support Camden
- Consulted with Legislative Delegation – Senator Marc Basnight and Representative Bill Owens and assured Camden their support
- The Governor's office was contacted and asked to take Camden off the list, unsuccessfully
- Poyner & Spruill was retained and actively engaged in educating regarding environmental law
- Formed a partnership with Currituck County recognizing mutual interest of opposition and they pay one half (1/2) of Poyner & Spruill and engineering fees
- Retained Withers & Ravenel that specialized in environmental impact engineering
- Withers & Ravenel conducted a public record study and found there is one and one half (1-1/2) foot minimum peat covering; additionally it is a coastal swamp area that is drained currently due to agriculture, but if agriculture is ceased, could revert to wetlands and cause significant problems
- The cost would be higher to build an OLF at Hales Lake because soil would have to be removed and filled back in
- Multiple visits to Raleigh and Washington, DC to consult with representatives and various agencies
- Retained French/West/Vaughn public relations firm to make sure the citizens were informed
- Supported and encouraged citizens groups who have performed extensive research
- Requested public records from NCDENR, Governor's Office, Lt. Governor's Office, Corp of Engineers
- Obtained support and aid of Senator Dole, Senator Hagan, Senator Burr, Congressman Jones, Congressman Butterfield, Senator Basnight, Representative Owens and Gates County delegation in the General Assembly
- Last year the North Carolina General Assembly unanimously passed a law changing Federal Onclave Statute in North Carolina, requires the US Navy to get permission to have exclusive jurisdiction over a military installation in North Carolina
- Obtained active opposition participation of various members of the Council of State
- Received a commitment from Superintendent of Public Instruction June Atkinson to come to Camden County in April to indicate how the OLF will damage Camden County students and school system
- Attorney General Cooper wrote a letter to Congressman Jones that was put on the Senate floor to the effect that he is aware of this issue and the law of the General Assembly and he will do what is necessary to protect the environment and citizens of Northeastern North Carolina.

Commissioner Michael McLain stated that Admiral Harvey should have consulted others, made public his appearance in Moyock and that a letter should be written to the Secretary of the Navy that the Admiral appears to be in violation of Senate Report 111-35 to the National Defense Authorization Act.

Consent Agenda

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

• **Consent Agenda**

Draft Minutes – March 15, 2010 Joint Meeting and March 15, 2010 Regular Meeting
subject to correction of typographical and technical errors.

Authorization to Collect – December 2009 Renewals

STATE OF NORTH CAROLINA

COUNTY OF CAMDEN

TO: The Tax Administrator of Camden County (Dec. Ren)04/01/10

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
<i>8,354.12</i>	<i>16,691.94</i>	<i>5,856.92</i>	<i>30,902.98</i>

Witness my hand and official seal this 5th day of April, 2010.

Vice 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

Letter of Support – Inteliport

Board of Education Budget Amendments

Proclamation – National Public Safety Telecommunications Week

**PROCLAMATION
NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK**

WHEREAS, Thousands of dedicated public safety telecommunications personnel daily serve the citizens of the United States by answering millions of telephone calls for police, sheriff, fire and emergency medical services and dispatching the appropriate assistance as quickly as possible; and

WHEREAS, These critical functions performed by professional public safety telecommunications personnel also include those related to other governmental divisions providing public safety telecommunications services; and

WHEREAS, Professional public safety telecommunications personnel work to improve the emergency response capabilities of the agencies within the communication systems through their leadership and participation in training programs and other activities provided and promoted by the Association of Public Safety Communications Officials International (APCO) and National Emergency Number Association (NENA); and

WHEREAS, APCO and NENA are organizations with more than 26,000 persons internationally engaged in the design, installation and operation of emergency response telecommunication systems, has set aside the third week of April to recognize public safety telecommunications personnel and their crucial role in protecting life and property.

THEREFORE, The Camden County Board of Commissioners does hereby proclaims the week of April 11-17, 2010 as “National Public Safety Telecommunications Week” in Camden County to recognize and honor our public safety telecommunications personnel and the vital contributions they make to the safety and well-being of our citizens.

THIS the 5th day of April, 2010.

Sandy Duckwall, Vice Chairman
Camden County Board of Commissioners

ATTEST:

Ava J. Gurganus, NCCCC
Clerk to the Board

(SEAL)

Set Public Hearing – Resolution No. 2010-04-01 – Resolution Withdrawing Membership in Albemarle Mental Health Center and Development Disabilities and Substance Abuse Services for April 19,2010

Volunteer Form – Daniel Chandler III

Tax Releases, Pick Up and Refund

<u>Name</u>	<u>Amount</u>	<u>Type</u>	<u>Reason</u>	<u>No.</u>
Plum Creek Timberlands	\$1,635.23	Release	Transfer Correction	12111
Plum Creek Timberlands	\$1,015.34	Release	Transfer Correction	12110
Adroit Utilities	\$ 151.39	Release	Turned in Plates	12117
George S. Butts	\$1,401.01 \$ 989.47	Release Pick Up	40% Complete	12070

Draft Minutes – March 31, 2010 Joint Meeting with Board of Education subject to correction of typographical and technical errors.

- **End of Consent Agenda**

Board Appointments - Tourism Development Authority (TDA)

Commissioner Michael McLain made a motion to appoint Penny L. Smith, Rhonda Kundrat, Judy Sawyer, Charlotte Underwood, Janet Inge, and Ed Merrell as members to the TDA and appoint Joy Greenwood as Chair. The motion passed with Commissioners Melvin Jeralds, Commissioner Garry Meiggs, Sandy Duckwall, and Michael McLain voting aye; no Commissioner voting no; Chairman Philip Faison absent; and no Commissioner not voting.

New Business - Notice of Renewal – Disaster Recovery Assistance

CrowderGulf has been providing Pre-Event Disaster Recovery Assistance Following a Natural or Manmade Disaster per the original contracted of July 3, 2006. The terms of the contract are for three (3) year period with an option to extend the terms of the contract for two (2) one (1) year periods. The contract is currently in its second and last renewal period which will expire on July 3, 2011.

Commissioner Melvin Jeralds made a motion to approve extending and authorize signing of the contract with CrowderGulf for Disaster Recovery and Debris Management. The

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

New Business - FY2010-2011 Juvenile Crime Prevention Committee Agreement

Danelle Barco, 4-H Family and Consumer Science Agent, and serves as contact person for JCPC program grant. Ms. Barco submitted JCPC grant applications for approval:

DJJD	\$51,907 (JCPC)
+Camden	13,381 (Local Match)
+Camden	8,890 (In Kind)
	<u>\$74,178 Total Grant Proposal</u>

Commissioner Michael McLain made a motion to accept the FY2010-2011 Juvenile Crime Prevention Committee Agreement. The motion passed with Commissioners Melvin Jeralds, Commissioner Garry Meiggs, Sandy Duckwall, and Michael McLain voting aye; no Commissioner voting no; Chairman Philip Faison absent; and no Commissioner not voting.

New Business - Health Department Building Repair

David Credle, Public Works Manager, presented two (2) estimates for repairs to Health Department Building.

Commissioner Melvin Jeralds made a motion to accept the lowest bid in the amount of \$5,285.00 from G.A. Staples for the repairs to the Health Department Building. The motion passed with Commissioners Melvin Jeralds, Commissioner Garry Meiggs, Sandy Duckwall, and Michael McLain voting aye; no Commissioner voting no; Chairman Philip Faison absent; and no Commissioner not voting.

New Business - Central Carolina Holdings, LLC – Scrap Tire Recycling & Disposal Contract

Commissioner Garry Meiggs made a motion to approve the scrap tire recycling and disposal contract with Central Carolina Holdings, LLC for two (2) years and authorize the Chairman and necessary staff to execute the contract. The motion passed with Commissioners Melvin Jeralds, Commissioner Garry Meiggs, Sandy Duckwall, and Michael McLain voting aye; no Commissioner voting no; Chairman Philip Faison absent; and no Commissioner not voting.

New Business - Pay Scale

Commissioner Michael McLain made a motion to approve the pay scale by the previous Pay and Classification Study from Springsted, Inc. The motion passed with Commissioners Melvin Jeralds, Commissioner Garry Meiggs, Sandy Duckwall, and Michael McLain voting aye; no Commissioner voting no; Chairman Philip Faison absent; and no Commissioner not voting.

New Business - Job Vacancies

Commissioner Melvin Jeralds made a motion to approve filling the existing Juvenile Justice Crime and Prevention Control position due to the resignation of the current employee. The motion passed with Commissioners Melvin Jeralds, Commissioner Garry Meiggs, Sandy Duckwall, and Michael McLain voting aye; no Commissioner voting no; Chairman Philip Faison absent; and no Commissioner not voting.

Commissioner Garry Meiggs made a motion to proceed in filling the existing GIS position due to the resignation of the previous employee, with employment starting July 1, 2010. The motion passed with Commissioners Melvin Jeralds, Commissioner Garry Meiggs, Sandy Duckwall, and Michael McLain voting aye; no Commissioner voting no; Chairman Philip Faison absent; and no Commissioner not voting.

Commissioner Michael McLain made a motion to approve advertising of the existing position of Property Maintenance Supervisor due to the retirement of the previous employee, allowing both external and internal candidates have the opportunity to apply and employment starting July 1, 2010. The motion passed with Commissioners Melvin Jeralds, Commissioner Garry Meiggs, Sandy Duckwall, and Michael McLain voting aye; no Commissioner voting no; Chairman Philip Faison absent; and no Commissioner not voting.

Commissioner Michael McLain made a motion to contract with Temp agency to fill the temporary vacancy of the Public Information Assistant IV. The motion failed with Commissioners Melvin Jeralds, Garry Meiggs, and Sandy Duckwall voting no; Commissioner Michael McLain voting aye; Chairman Philip Faison absent; and no Commissioner not voting.

Commissioner Garry Meiggs made a motion to allow Social Services Director Sylvia Holley to fill the temporary vacancy of the Public Information Assistant IV. The motion passed with Commissioners Melvin Jeralds, Garry Meiggs, and Sandy Duckwall voting aye; Commissioner Michael McLain voting no; Chairman Philip Faison absent; and no Commissioner not voting.

New Business - Noblitt Property Wetland Mitigation

Following discussion, Commissioner Garry Meiggs made a motion for staff to explore whether existing county property can be used or not be used for wetland mitigation. The motion tied with Commissioners Melvin Jeralds, and Garry Meiggs voting aye; Commissioners Sandy Duckwall and Michael McLain voting no; Chairman Philip Faison absent; and no Commissioner not voting.

New Business - Potato Festival Donation

It was the consensus of the Board to support the NC Potato Festival and to direct the Tourism Development Authority (TDA) to take action regarding a donation since the Potato Festival is tourism related. The County Manager will inform the TDA.

New Business - Dan Porter – Zoning Presentation

Planning Director Dan Porter spoke regarding the following Zoning and Land Use Regulations:

- What is zoning;
- Why have zoning;
- History of zoning;
- Zoning authority;
- Zoning purposes;
- Zoning scope
- Zoning enforcement;
- Permissible uses;
- Conventional zoning;
- Overlay zoning;
- Conditional zoning;
- Nonconformities;
- Spot zoning;
- Subdivisions;

Planning Director Dan Porter will return to further discuss zoning issues.

Commissioner's Report

Commissioner Michael McLain informed the Board that he and the County Manager are planning a trip to Washington, DC to meet with Senator McCain's staff and Senator Hagan to lobby against the OLF.

County Manager's Report

County Manager Randell Woodruff reported on the following:

- Positive development with the NCDOT's office regarding the encroachment agreement for Waste Water Treatment Plant Extension to Eco Industrial Park
- All department budgets have been submitted according to the Budget Schedule
- A tour and site visit to the Northwest Naval Annex Base on April 20, 2010 at 1:00 p.m. to meet with the new Commander
- Upcoming retreat on April 22 and 23, 2010
- Upcoming Coast Guard Ceremony at Camden High School Gym on April 19 at 11:00 a.m. for the Jr. Leadership Program

Adjournment

Vice Chair Sandy Duckwall called the meeting adjourned.

The meeting adjourned at 9:15 p.m.

Sandy Duckwall, Vice Chair
Camden County Board of Commissioners

ATTEST:

Ava J. Gurganus, NCCCC
Clerk to the Board