

The Pamlico County Board of Health  
Regular Meeting  
Minutes of the Meeting  
June 11, 2018  
6:30 p.m.

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Board of Health Members:

Present: Edward Riggs, Jr., Robert Bero, Jason Rose, Joshua Rose, Susan Wood, Michele Parish, Cliff Braly, Robert Bero

Absent: Tunmorya Bennett, Anita Mayo, Starr Murphy

Other Attendees: Scott Lenhart, Dawn Jones, Jeff Aydelette

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Ed Riggs called the meeting to order at 6:30.

1<sup>st</sup> order of business on the agenda was for new Board of Health member Robert Bero, Pharmacist for Bayboro Pharmacy be sworn in.

A **motion** to approve agenda with the modification of nomination of a new chair and vice chair was made by Ed Riggs, Cliff Brily seconded the motion, all in favor agenda was approved.

Ed Riggs nominated Starr Murphy as Chair, Josh Rose seconded the motion all in favor. Ed Riggs nominated Josh Rose as vice chair, seconded by Jason Rose, all in favor.

Minutes from May 14, 2018 were gone over and Michele Parish stated a change in Robert Bero name needed to be made. Ed Riggs made the motion to accept minutes with change, Jason Rose seconded the motion, all in favor. Regarding names listed under "Other Attendees". A motion was made by Ed Riggs to accept the minutes with clarification, Michele Parish seconded the motion, all in favor. Josh Rose stated there needed to be public comments added to the agenda. Ed Riggs motioned for public comments to be added to the agenda, Jason Rose 2<sup>nd</sup> the motion.

Public Comments: Mr. Wickersham, Carl Ollison, Kathy Garcia, Debra Curry, Douglas Pearsall, Barbara Mitchelson, Susan Dillard, Ms. Judy Wickersham, Bill Brame & Russ Richards.

Mr. Wickersham, "Has general statutes in the state of NC been revised with new or different standard applicable to septic systems"? No, they are the same, **however Scott Lenhart the county health director will follow up with Mr. Wickersham.**

Are there any statutes adopted by the NCDPH affecting perk tests in the last 5 years? Scott Lenhart stated he would have to check with the state on that.

How many septic systems in the county have been subject to violations within the last 2 years? Violations as in nonoperating violations of a permit? Scott Lenhart asked if you mean as in not having

a valid permit? Mr. Wickersham stated this was what he meant, Scott Lenhart stated he would have to get back with him on that after research.

How many approved septic permits are on file in the county right now? Scot Lenhart stated to find that out he would have to research 18,000 partials that are on record and there is no way of telling because we have no computerized data on that as of yet but do have a plan to go computerized.

Carl Ollison- approached by a concern citizen that had a problem that occurred when this family wanted to put a mobile home on a lot. They went to HD to get a permit, they hired a registered installer to put system in, the system was put in when Mr. Harris was employed by the health department. Mr. Harris done the coverup inspection on it and they covered it up, people paid Gil Brinson to put it in and in meantime they went and got home on lot. Meantime Mr. Harris quit the health department in August 2017. Melanie Campen then went out there she found some stuff she didn't think was correct. The man from the state then came down and was in agreement with her and revoked the permit. These people now have no permit and have spent their money on a system which cannot be used. So, one inspector says yes, one says no, people are out of a lot of money and don't have money to put another system in or sue health dept. Mr. Wright should have the right to be able to rely on us as a county to be able to help our citizens.

Scott Lenhart stated he could not comment on this time due to having to pull the records and calling both Tim Crissman, speaking with Melanie Campen and looking at the file to see what is in there. Scott Lenhart did make a statement that he wanted everyone to understand; we (Environmental Health Staff) are agents of the state and they have to follow Environmental Health rules as they are written, they may agree or disagree with them but the staff are required to follow the rules. These are the same rules for everybody to follow and that is in fact what the environmental health staff is doing. It is unfortunate for the issues that we are having now but, in this case, he would like to research it and have a meeting with the landowners with Carl Ollison present so as to hear exactly what is said. Also, there is an appeal process. Scott reiterated that the county can make their own rules for EH but there is one exception to that rule, they must be as strict or stricter then state rules. State guidelines are followed for everything environmental health does whether it be septic, well, inspections, pools, or anything that falls under their realm. See GS 130A and NC Administrative Code for more details and citizens can also see the rules and regulations which needs to be followed.

Kathy Garcia-If the State/County did make a mistake by having one person state this space was ok for septic and the next person disagrees is there some type of recourse? Scott Lenhart stated that the homeowners would need to go through the state appeals process and that would be whatever is decided, they could agree or overturn the decision.

Debra Curry- How many instances have occurred where a permit has been given and then revoked? Scott Lenhart stated that excluding the one subdivision, Windmill Point, there are less then 15. Ms. Curry asked how many were at Windmill Point? Scott Lenhart stated about 32 lots.

Douglas Pearsall-NAACP- What is the worst-case analysis in this situation as far as people who got money out there? Scott Lenhart stated that the lot could be a dead lot, not able to support a system at all, and a professional engineer would have to be hired to design a specific system for them which would be very costly. Mr. Pearsall asked whom would that system would be billed to? Debra Curry said it would be to the homeowner not the county. Scott stated that before people start spending any money on their lots that they need to come by environmental health to check their files and have an

environmental health specialist to go out and check the lots. There would not be no charge to the homeowner for these re-inspections. Kathy Garcia stated that EH needed to right the wrongs of things for people that were thinking that they were doing the right thing to begin with. Scott Lenhart stated we have to follow state guidelines to right the wrongs.

Barbara Mitcelson- What is the economic impact of this? These people put in a system they thought was approved, they are out their money! How many people are out there like that? Scott Lenhart stated 99% of the time a resolution can be found for individuals, it may cost some money because a different system is needed.

Susan Dillard-Is there a process and funds available for homeowners to press claims in the event that you look at the folder and you believe that your 1<sup>st</sup> employee did not interpret the rules right and these homeowners relied on him? It seems to me; the responsible thing would be that the County acknowledge that they made a mistake and to make it right? Is there going to be any funds available in Health Department budget or the County to help people that have lost money because of the mistake by the government? Scott Lenhart stated that at this time there is nothing in place in his budget for anything like this. The only process that we have for recouping money is through the appeals process and that is through the state and filing a tort claim. As for the County side that would need to be asked at a County Commissioners meeting concerning any refunds or funds being available.

Mr. Wickersham- Has a question for the Board itself. Are the Board members aware of these issues and the County revoking septic permits and people spending money and getting a permit but then having it revoked later on? Are you aware of these issues that have been going on throughout Pamlico County and putting a chill on realtors, developers and homeowners? Josh Rose stated that people have to realize that the Board of Health is trying its best to make these things right. If you notice that the employee is no longer with us, we have been trying for a year since these things have come up to do the correct thing, if someone installs that septic tank on that land as incorrect permit and it fails that is also bad for that person and we are trying to do the best thing to help these individuals.

Public- asked if the same inspectors are inspecting property currently? Scott Lenhart stated that no he is not. That since he had been here that there was only one individual that did all the inspections of the lots.

Public asked if it was Melanie Campen that was contracted through Pamlico County? Scott Lenhart stated yes to fill the gap until environmental health got a permanent person. Melanie is now a current employee since December, prior to that she was contracted. Public stated that all the blame could not be put on Mr. Harris due to him not being only inspector. Per Jason Rose for the past 2 years before Mr. Harris resigned he was the only one doing the inspections. Per Scott Lenhart even at the time when Melanie was a prior employee he did most of those inspections. Even though Melanie was a prior employee and trained by Mr. Harris the problems that are being discovered now with many lots were being signed off by Mr. Harris. These mistakes are trying to be corrected and several of these issues go back 10 years.

Scott Lenhart stated: Melanie was here for a period of time, was gone for approximately 3 years and came back to help fill the void and then reapplied for the job and got hired in December 2017. She was only a contract employee with the Environmental Health for a short period of time. Again, environmental health staff are following the rules and regulations as required by the state.

Bill Brame- Has anyone sued the county or Health Department? Scott Lenhart stated that at this time no, no active lawsuits.

Russ Richards- I own a lot at Natures Run, we went out to do a test for certification and it came back that the lot needs a different system, which may cost \$20,000 compared to the cost of an approved conventional system. These lots are only worth around \$30,000 so what am I now suppose to do with this lot? My thoughts are that things are going to get very ugly and costly for the county. I believe that the county should be proactive and work with the landowners give them a credit on their taxes or something for 5-6 years something to offset that financial burden for that landowner.

Carl Ollison stated that it is having an affect on the economic development because people do not want to have property checked and have permits revoked, property owners don't have any confidence in the system.

Judy Wickersham- we have in Shine Landing existing homes with septic's that work, the lot right next to them that looks exactly the same lot suddenly cannot allow a system, and it makes no sense?

Douglas Pearsall stated that he believes that it not only here but sounds like discrimination could be in this whole situation. Based on the fact, because your house passed and mine will not pass.

Clif Braly- the problem is that every piece of dirt should not be developed, there are pieces of land that should not be developed. There are a lot of complicated issues that we choose to overlook when we are trying to develop a piece of land, make a little money and sell some dirt.

Scott Lenhart stated its not going to get fixed in a month or year, its going to be an on-going process because we do not know the extent of this problem. We will know only as permits surface. The environmental health staff and I are doing the best we can. It didn't break in a year, its not going to get fixed in a year.

Public: Does the county any have liability insurance of some kind for when employees act in a negligent way which harms the citizens then we would have a claim on an insurance policy that could pay for everything? Tim Buck stated it is a State issue.

End of public comments.

Budget Meeting: Scott Lenhart voiced concerns regarding the budget. Many areas that he reduced to bare minimum were cut even more.

It has really taken a toll on the health department by not having a Health Educator for the upcoming Accreditation.

Ed Riggs stated that the Board of Health and County Commissioners need to get together to find the disconnect.

Motion to adjourn was made by Josh Rose, 2<sup>nd</sup> by Michele Parish, all in favor.

Josh Rose, Co-Chairman Board of Health

Date

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Scott Lenhart, Health Director

Date

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Dawn Jones, Secretary

Date

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