

Camden County Board of Commissioners

Regular Meeting

October 17, 2005

7:00 P.M.

Camden County Senior Center

Camden, North Carolina

MINUTES

The regular meeting of the Camden County Board of Commissioners was held Monday, October 17, 2005 at 7:00 p.m. in the Camden County Senior Center, Courthouse Complex, Camden, NC. The following members were present:

Chairman Melvin J. Jeralds

Vice Chairman Clayton D. Riggs

Commissioners Jeffrey B. Jennings, Carolyn Riggs, and Mike Andrews

Also present was County Manager Randell Woodruff, Clerk to the Board Ava Murgia, Attorney Herbert Mullen and various staff members.

Chairman Jeralds called the meeting to order and Commissioner Jennings gave the invocation and led the Pledge of Allegiance.

Presentation - Gwen Wescott – Senior Tarheel Representative

Mrs. Wescott reported on Senior Tarheel Delegate meeting of October 4 and 5, 2005.

Presentation - Bob Pearson – Pearson Appraisals

Mr. Bob Pearson, Pearson Appraisals, gave a progress report, and stated that the revaluation process is on schedule.

Public Comments

Chairman Jeralds called for any comments from the public.

Bill Bland, 112 Deer Trail, informed the Board that Camden Yards is not maintaining the road, reminded the Board that Camden Yards extended hours ends when daylight savings time is over.

Anne Blindt, 307 Whitehall Road, spoke in opposition of the landfill.

Hearing no further comments, Chairman Jeralds proceeded with the meeting.

Consideration of Minutes - September 19, 2005 Regular Meeting

Commissioner Clayton Riggs made a motion to approve the minutes of the September 19, 2005 Regular Meeting, subject to correction of typographical and technical errors. The motion passed with Commissioners Jennings, Carolyn Riggs, Clayton Riggs, Andrews and Chairman Jeralds voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Consideration of Agenda

County Manager requested *Item X. 7. Camden Intermediate School* be deleted from the agenda.

Commissioner Carolyn Riggs made a motion to approve the agenda as amended. The motion passed with Commissioners Jennings, Carolyn Riggs, Clayton Riggs, Andrews and Chairman Jeralds voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Public Hearing - Ordinance No. 2005-10-01 – Zoning Change - UDO 2005-08-33 - E & J Holdings

Commissioner Clayton Riggs made a motion to go into public hearing to receive comments from the public regarding UDO 2005-08-33. The motion passed with Commissioners Jennings, Carolyn Riggs, Clayton Riggs, Andrews and Chairman Jeralds voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Mr. Tony Vernon was present representing Blackwater USA.

Commissioner Carolyn Riggs stated she would like the Board to pursue assisting Blackwater in getting a public access road onto US17 through Camden County.

Chairman Jeralds called for any comments from the public.

Hearing no comments from the public, Commissioner Clayton Riggs made a motion to close public hearing regarding Ordinance No. 2005-10-01. The motion passed with Commissioners Jennings, Carolyn Riggs, Clayton Riggs, Andrews and Chairman Jeralds voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Public Hearing - UDO 2005-03-34 – Sketch Plan - Tark Commercial Park

Commissioner Andrews made a motion to go into public hearing to receive comments from the public regarding UDO 2005-03-34. The motion passed with Commissioners Jennings, Carolyn Riggs, Clayton Riggs, Andrews and Chairman Jeralds voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Mr. Mark Gregory was present representing Tark Commercial Park.

Chairman Jeralds called for any comments from the public.

Hearing no comments from the public, Commissioner Clayton Riggs made a motion to close public hearing regarding UDO 2005-03-34. The motion passed with Commissioners Jennings, Carolyn Riggs, Clayton Riggs, Andrews and Chairman Jeralds voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Albemarle Economic Development Corporation (AEDC) - Amended Bylaws

Commissioner Carolyn Riggs made a motion to approve the amended AEDC bylaws. The motion passed with Commissioners Jennings, Carolyn Riggs, Clayton Riggs, Andrews and Chairman Jeralds voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

North Carolina Department of Environmental and Natural Resources (NCDENR) - Letter of Request – Black Bear Disposal LLC

As part of the permitting process for Black Bear Disposal LLC, NCDENR requested the following information:

- I. Confirmation that latest Revised Facility Plan is consistent with the franchise regarding certain terms of the franchise
- II. Confirmation that a condition in the 2002 minutes relating to the franchise has been met
- III. Whether the county is agreeable to Waste Industries as co-permittee

Chairman Jeralds called upon Attorney Mullen to explain NCDENR's letter of request.

Mr. Mullen stated that Commissioner Andrews asked for him not to be involved, and presumed that was the prerogative of the Board. Mr. Mullen read into the minutes the letter from NCDENR dated October 6, 2005 to the Board of Commissioners.

Commissioner Andrews stated he wanted to make a separate motion on each question.

Item I. Confirmation that latest Revised Facility Plan is consistent with the franchise regarding certain terms of the franchise:

Following a lengthy discussion, Commissioner Clayton Riggs asked if the Board and Commissioner Andrews would entertain a substitute motion.

Chairman Jeralds stated Commissioner Clayton Riggs could amend the motion and the amendment would be voted on first.

Commissioner Andrews stated that he would entertain Commissioner Clayton Riggs' amendment to this particular motion.

Chairman Jeralds confirmed that Commissioner Andrews would include Commissioner Clayton Riggs' motion as part of his motion.

Commissioner Andrews replied affirmatively that he would.

Commissioner Clayton Riggs stated that he had been in contact with Richard Whisnant of the School of Government today, and Mr. Whisnant stated that the research that the School of Government was asked to do will not be complete until Thursday. Commissioner Clayton Riggs asked if the Board would entertain tabling this matter until the Board received more definite answers and allow Mr. Whisnant to finish the research.

Commissioner Jeralds asked Commissioner Clayton Riggs that his motion would be to table Item I. and asked Commissioner Andrews if he would include that in his motion.

Commissioner Andrews replied affirmatively that he would.

Chairman Jeralds stated that the motion by Commissioner Andrew's was that Item I. would be tabled until information is received from the School of Government and called for a vote.

The motion passed with Commissioner Jennings, Carolyn Riggs, Clayton Riggs, Andrews, and Chairman Jeralds voted aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Item II. Confirmation that a condition in the 2002 minutes relating to the franchise has been met

Following discussion, Commissioner Carolyn Riggs asked if the motion means sending back to NCDENR for more information.

Commissioner Andrews stated in this motion a yes vote will say that the Board cannot confirm this information and the Board submit it back to NCDENR for NCDENR to interpret it or investigate further.

Chairman Jeralds called for a vote. Hearing a no vote, Chairman Jeralds asked the Clerk to roll call the Board.

Commissioners Carolyn Riggs, Clayton Riggs, Andrews, and Chairman Jeralds voted aye; Commissioner Jennings voted no; no Commissioner absent; and no Commissioner not voting. The motion passed 4-1.

Item III. Whether the county is agreeable to Waste Industries as co-permittee

Commissioner Andrews asked to clarify to Mr. Mullen that his email request to Attorney Mullen regarding he and the County Manager not being involved in answering

NCDENR's letter. Commissioner Andrews stated that he thought that each Commissioner should be the ones, in their own words, to answer the questions from NCDENR so that their exact feelings were reported to NCDENR; not Attorney Mullen or County Manager Randell Woodruff; not anybody but the five (5) Board members. Commissioner Andrews stated the email wasn't derogatory of anybody.

Following discussion, Commissioner Andrews stated that he amended his motion to obtain advisory opinion clarification from the Institute of Government at Chapel Hill and if the advisory opinion to Item III was yes, then the Board would respond to NCDENR as yes to Item III.

Chairman Jeralds called for a vote on Commissioner Andrews's motion to obtain advisory opinion clarification from the Institute of Government at Chapel Hill and if the advisory opinion to Item III was yes, then the Board would respond to NCDENR as yes to Item III. Commissioner Jennings, Carolyn Riggs, Clayton Riggs, Andrews, and Chairman Jeralds voted aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Consideration of Ordinance No. 2005-10-01 – Zoning Change - UDO 2005-08-33 - E & J Holdings

This matter was set for public hearing at the October 3, 2005 Commissioners meeting and notice was given in the Daily Advance.

The Planning Board met on September 21, 2005 and voted 7-0 to recommend approval for this application to rezone from General Use District (GUD) to Light Industrial (I-1), with conditions as recommended by staff.

Commissioner Jennings made a motion to approve Ordinance No. 2005-10-01 with conditions as recommended by staff. The motion passed with Commissioners Jennings, Carolyn Riggs, Clayton Riggs, Andrews and Chairman Jeralds voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Approved Ordinance No. 2005-10-01 reads as follows:

Ordinance No. 2005-10-01

**An Ordinance
Amending the Camden County
Zoning Map
Camden County, North Carolina**

Article I: Purpose

The purpose of this Ordinance is to amend the Zoning Map of Camden County, North Carolina, which was originally adopted by the County Commissioners on December 20, 1993, and subsequently amended.

Article II. Amendment to Zoning Map

The Official Zoning Map of Camden County, North Carolina, which was adopted on December 20, 1993, and subsequently amended, is hereby amended as follows:

The properties currently shown in the Camden County Tax Assessor's Office as PIN's 01-8010-00-61-6925, 01-8010-00-43-0861, 01-8929-00-06-2952, are hereby re-zoned from General Use District (GUD) to Light Industrial (I-1).

Article III. Penalty

1. Violations of the provision of this Ordinance or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with grants of variances or Special Use or Conditional Use Permits, shall constitute a misdemeanor, punishable by a fine of up to five-hundred (\$500) dollars or a maximum thirty (30) days imprisonment as provided in G. S. 14-4.
2. Any act constituting a violation of the provisions of this Ordinance or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or Special Use or Conditional Use Permits, shall also subject the offender to a civil penalty of one-hundred (\$100) dollars for each day the violation continues. If the offender fails to pay the penalty within ten (10) days after being cited for a violation, the penalty may be recovered by the county in a civil action in the nature of debt. A civil penalty may not be appealed to the Board of Adjustment if the offender was sent a final notice of violation in accordance with Section 2203 and did not take an appeal to the Board of Adjustment within the prescribed time.
3. This Ordinance may also be enforced by any appropriate equitable action.
4. Each day that any violation continues after notification by the administrator that

such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.

- 5. Any one, all or any combination of the foregoing penalties and remedies may be used to enforce this Ordinance.

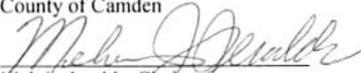
Article IV. Severability

If any language in this Ordinance is found to be invalid by a court of competent jurisdiction or other entity having such legal authority, then only the specific language held to be invalid shall be affected and all other language shall be in full force and effect.

Article V. Effective Date

This Ordinance is effective upon adoption.

Adopted by the Board of Commissioners for the County of Camden this 17th day of October 2005.

County of Camden

 Melvin Jeralds, Chairman
 Camden County Board of Commissioners

ATTEST:


 Ava Murgia
 Clerk to the Board



Consideration of UDO 2005-03-34 – Sketch Plan - Tark Commercial Park

This matter was sent for public hearing at the October 3, 2005 Commissioners meeting and advertised in the Daily Advance.

The Planning Board met on September 21, 2005 and recommended approval with conditions as recommended by staff on a 7-0 vote. Concerns addressed during the meeting were the design standard (i.e. appearance/landscaping), use of septic systems, and traffic concerns with no turn/deceleration lanes indicated on Sketch Plan. These concerns will be addressed at Preliminary Plat, if approved.

Commissioner Andrews made a motion to approve UDO 2005-03-34 with conditions as recommended by staff. The motion passed with Commissioners Jennings, Carolyn Riggs, Clayton Riggs, Andrews and Chairman Jeralds voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Tax Office - Delinquent Tax Listing Update

Tax Administrator Mary Rhodes updated the Board regarding progress of collecting delinquent tax listings.

Tax Office – Releases, Pick Ups & Refunds

Commissioner Clayton Riggs made a motion to approve tax release number 7173 as submitted by the Tax Administrator. The motion passed with Commissioners Jennings, Clayton Riggs, Andrews and Chairman Jeralds voting aye; no Commissioner voting no; no Commissioner absent; Commissioner Carolyn Riggs abstaining and excused by the Chairman from voting.

Lance Riggs	\$225.35	Release	Transfer Incorrect
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Commissioner Clayton Riggs made a motion to approve the tax releases, pick ups and refunds as submitted by the Tax Administrator. The motion passed with Commissioners Jennings, Carolyn Riggs, Clayton Riggs, Andrews and Chairman Jeralds voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Barry Richardson	\$144.95 Release	Moved to SC
Douglas Clements	\$129.59 Release	Military Exempt

Douglas Clements	\$176.46	Release	Military Exempt
James Mento	\$172.50	Release	Military Exempt
Michael Odell	\$176.47	Release	Military Exempt
Albert Branch	\$134.65	Release	Military Exempt
Nelon & Elba Davila	\$201.88	Release	Military Exempt
Robert Eason	\$1,704.44	Release	Transfer Incorrect
William Lee	\$439.24	Release	Name Change
Richard Skinner	\$254.46	Release	Name Change
Hazel Baum	\$221.89	Release	Double Listed
Elizabeth Woodhouse	\$109.42	Release	Turned in Plates
Kathy Riddick	\$163.69	Release	Turned in Plates
R.O. Givens	\$341.39	Release	Wrong Acct. No.
R.O. Givens	\$341.39	Pick Up	Wrong Acct. No.
Tai Thai	\$144.11	Pick Up	Late Listing
Shiloh Shopping Ctr	\$286.83	Pick Up	Late Listing
J & M Excavation	\$1,142.48	Pick Up	Late Listing
William Griffin	\$788.97	Pick Up	Late Listing
Swain & Temple	\$10,978.33	Pick Up	Late Listing
Thomas Rose	\$284.20	Pick Up	Late Listing
Phu Nguyen	\$239.26	Pick Up	Late Listing
Michael Riggs	\$225.35	Pick Up	Other
Nolan Mervin Riggs Heirs	\$101.57	Pick Up	Other
Stephen Szymanski	\$1,704.44	Pick Up	Purchased Matthew
Benjamin Albert	\$102.33	Pick Up	Wrong County
Mark Vejar	\$232.72	Pick Up	Wrong County
Clara Lee	\$439.24	Pick Up	Name Change
Rickey Wilson	\$254.46	Pick Up	Name Change
Robert Manriquez	\$190.00	Pick Up	Code Enforcement
Judson Pritchard	\$2,350.52	Pick Up	Roll Back Tax
Judson Pritchard	\$1,309.68	Pick Up	Roll Back Tax
Norfolk Southern Railway	\$1,384.54	Pick Up	Utilities
Albemarle Electric	\$14,945.08	Pick Up	Utilities
Albemarle Electric	\$600.90	Pick Up	Utilities
Albemarle Electric	\$229.38	Pick Up	Utilities
NC Va Railroad	\$112.65	Pick Up	Utilities
NC Va Railroad	\$2,027.73	Pick Up	Utilities
NC Electric	\$161.27	Pick Up	Utilities
Dominion NC Power	\$655.81	Pick Up	Utilities
Dominion NC Power	\$575.31	Pick Up	Utilities
Dominion NC Power	\$109.87	Pick Up	Utilities
Dominion NC Power	\$24,137.71	Pick Up	Utilities
Eastern NC Nat Gas	\$828.96	Pick Up	Utilities
Carolina Telephone	\$479.32	Pick Up	Utilities
Carolina Telephone	\$191.59	Pick Up	Utilities
Carolina Telephone	\$20,493.25	Pick Up	Utilities
Carolina Telephone	\$467.60	Pick Up	Utilities
Duane Dunivan	\$218.54	Refund	Military Exempt
Elizabeth Dennison	\$160.60	Refund	Turned in Plates
George Husk	\$295.61	Release	Portion of Prop Sold
	24.47		Pick Up
	271.14		Adjustment
Ricky's Welding	\$1,638.24	Release	Incorrect Value
	1,471.27	Pick Up	
	166.97	Adjustment	
J & M Excavation	\$1,142.48	Release	Deletions
	2,270.92	Pick Up	
	1,128.44	Adjustment	
William Bagues	228.81	Release	House burned
	55.86		Pick Up
	172.95		Adjustment
Alvin Aydlett	213.51	Release	Bldg. done in '04
	58.83		Pick Up
	154.68	Adjustment	

Cooperative Extension – County Participation for 2005-2006 State Legislative-Granted Leave Bonus

Commissioner Carolyn Riggs made a motion to approve the participation agreement for Cooperative Extension permanent, full-time service employee's 40-hour annual leave bonus for 2005-2006. The motion passed with Commissioners Jennings, Carolyn Riggs, Clayton Riggs, Andrews and Chairman Jerald's voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Finance Office - Surplus Sale – 1992 Ford F150

Commissioner Jennings made a motion to declare a 1992 Ford F-150 Pickup, VIN 1FTDF15NOONA28837 as surplus and to be sold as sealed bids with the Board reserving the right to reject any and all bids. The motion passed with Commissioners Jennings, Carolyn Riggs, Clayton Riggs, Andrews and Chairman Jeralds voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

South Camden Water and Sewer District Board of Directors

Chairman Jeralds recessed the Board of Commissioners meeting and called the South Camden Water and Sewer District Board of Directors meeting to order at 8:58 p.m.

Upon adjournment of the South Camden Water and Sewer District Board of Directors meeting by Member Jennings at 9:11 p.m., Chairman Jeralds reconvened the regular Board of Commissioners meeting.

Closed Session

Commissioner Jennings made a motion to go into closed session pursuant to G.S. 143-318.11(a)(6) for the purpose of discussing Personnel. The motion passed with Commissioners Jennings, Carolyn Riggs, Clayton Riggs, Andrews and Chairman Jeralds voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

The Commissioners entered closed session at 9:12 p.m.

Commissioner Clayton Riggs made a motion to come out of closed session and back into regular session. The motion passed with Commissioners Jennings, Carolyn Riggs, Clayton Riggs, Andrews and Chairman Jeralds voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

The Commissioners re-entered regular session at 9:24 p.m.

Upon entering regular session, Chairman Jeralds called for any motions.

Commissioner Clayton Riggs made a motion to accept the state requested salary adjustment for Danielle Barco and Amy Twiddy effective November 1, 2005. The motion passed with Commissioners Jennings, Carolyn Riggs, Clayton Riggs, Andrews and Chairman Jeralds voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Commissioner Clayton Riggs made a motion for the County Manager to communicate to Dr. John Ort the Board's continued interest in the filling of the County Extension Director's position as soon as possible. The motion passed with Commissioners Jennings, Carolyn Riggs, Clayton Riggs, Andrews and Chairman Jeralds voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

County Manager's Report

County Manager Randell Woodruff reported on the following:

- Trip to Raleigh with Hobbs UpChurch to meet with NCDENR regarding the permit for the collection system for the sewer project.
- Courthouse: Progressive is working on the sidewalk first before cold weather impedes the project and Project Manager Eric Ferguson has found other items of repair that need to be addressed that were not in the contract. Mr. Ferguson will put together a detailed list of repairs for the Board's decision. It was the consensus of the Board to repair the roof, gutters and downspouts. A letter was received from Pilcher expressing his displeasure of using Progressive Contracting. Attorney Mullen will report back to the Board on how much it would cost to

proceed with a law suit against Gardner Construction and Pilcher Bonding Company.

- On line credit card payments is now available
- South Mills Fire Department has received a \$5,000.00 grant to purchase de-fibulator.
- Willard Forbes donated a framed picture of the Wade Point Lighthouse to the Administrative office building.
- County Manager Randell Woodruff passed out a financial report regarding the Albemarle District Jail.
- Let Dan Porter know if anyone would like to attend one (1) day meeting December 6 on Smart Growth in Manteo.
- In a meeting with NCDOT it was expressed how important it was to leave Gumberry Road open and based on NCDOT policy, procedure, and traffic count evaluation, NCDOT still recommends that Gumberry Road be closed at this time. The Robinson request was also discussed. A letter was sent to Ed Lewis, Senior Public Involvement Officer, Senator Basnight and Representative Owens opposing the closing of Gumberry Road and supporting the Robinson request.
- USDA required a funding map survey of funds used in the school project by USDA and QZAB. Attorney Mullen will be working on transferring the land from the Board of Education to the county. Chairman Jeralds indicated that the road is included in the USDA funding survey and that Senator Basnight has assured the Board that the state will install the road.
- Photographs of the Board will be taken before the next regular meeting on November 7, 2005 at 6:00 p.m. in the Senior Center.
- Planning Director Dan Porter has taken amendments to Planning Board for their consideration for a workshop to be held to vote on any changes.
- School Impact Fees – Hearing no objections, Chairman Jeralds so ordered the County Manager to contact other County Managers who have implemented the impact fee and bring back a sample ordinance for the Board's review.
- Staff is working on a Capital Improvement Plan for future needs.

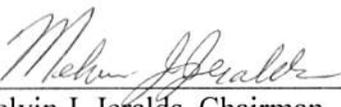
Other Matters

Attorney Herbert Mullen stated he received a letter from Don Gordon's attorney regarding the drainage issue and suggested the county insurance carrier and Joyce Creek Drainage District Committee be notified.

Adjournment

There being no further business to come before the Board, Commissioner Clayton Riggs made a motion to adjourn the meeting. The motion passed with Commissioners Jennings, Carolyn Riggs, Clayton Riggs, Andrews and Chairman Jeralds voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

The meeting adjourned at 10:05 p.m.



Melvin J. Jeralds, Chairman
Camden County Board of Commissioners

ATTEST:



Ava Murgia
Clerk to the Board