

CAMDEN COUNTY BOARD OF COMMISSIONERS

Regular Meeting – January 04, 2016

Camden County Board of Commissioners

BOC - Regular Meeting

January 4, 2016

7:00 PM

Historic Courtroom, Courthouse Complex

Camden, North Carolina

MINUTES

The regular meeting of the Camden County Board of Commissioners was held on January 04, 2016 in the Historic Courtroom, Camden, North Carolina. The following Commissioners were present:

WELCOME & CALL TO ORDER

Attendee Name	Title	Status	Arrived
P. Michael McLain	Chairman	Present	
Sandra Duckwall	Vice Chairman	Present	
Garry Meiggs	Commissioner	Present	
Clayton Riggs	Commissioner	Present	
Tom White	Commissioner	Present	
Michael Renshaw	County Manager	Present	
Angela Wooten	Clerk to the Board	Present	
John Morrison	County Attorney	Present	

INVOCATION & PLEDGE OF ALLEGIANCE

Chairman McLain

1. PUBLIC COMMENTS

Mike Andrews of South Mills came forward to request the board reconsider the “No Children” policy at the proposed Shooting Range for Law Enforcement Only.

Phyllis Wright of Sandy Hook Road came forward to discuss the shooting Range.

Chairman McLain advised that due to legal matters, the shooting range is being pulled from the agenda.

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2. CONSIDERATION OF AGENDA

County Manager Mike Renshaw requested to pull Item 4.A Outdoor Shooting Range for Law Enforcement due to an additional legal review and Item 8.A Draft Minutes as the clerk needed to correct an error.

Motion to accept the agenda as amended.

Commissioner Garry Meiggs made a motion to approve the agenda as amended, removing Items 4.A Outdoor Shooting Range for Law Enforcement and 8.A Draft Minutes. The motion passed unanimously.

RESULT:	PASSED [UNANIMOUS]
MOVER:	Garry Meiggs, Commissioner
AYES:	McLain, Duckwall, Meiggs, Riggs, White

3. NEW BUSINESS

A. County Audit for FY2014-15 by Greg Adams

The annual Audit was administered by Thompson, Price, Scott, Adams & Co., P.A. (A Certified Public Accounting Firm)

Greg Adams of the aforementioned firm gave a brief overview of the County's audit.

RESULT:	APPROVED AS PRESENTED [UNANIMOUS]
MOVER:	Clayton Riggs, Commissioner
AYES:	McLain, Duckwall, Meiggs, Riggs, White

4. PUBLIC HEARINGS

Motion to go into Public Hearings

RESULT:	PASSED [UNANIMOUS]
MOVER:	Sandra Duckwall, Vice Chairman
AYES:	McLain, Duckwall, Meiggs, Riggs, White

Special Use Permit - Green Meadows Subdivision

Chairman Mike McLain reminded everyone that this was a quasi-judicial public hearing for a Special Use Permit Preliminary Plat Green Meadows - 9 lots Major Subdivision (UDO 2013-08-04) and that everyone will be sworn in.

County Attorney John Morrison advised that anyone testifying will be sworn in, the attorneys do not need to be sworn.

Planning Director Dan Porter was sworn in by the Clerk. He explained they he will give an introduction, then the applicant will make a presentation, followed by the staff report & public comments. Questions from the board are welcome at any time.

Then stated that this a special use permit requested by Keith Nowell, represented by Hollis Ellis of

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CAE Inc., the permit they are applying for Green Meadows a 9 lot Major Subdivision located off Pudding Ridge Road in South Mills Township.

Property was rezoned from Basic Residential (R3-2) to Basic Residential (R3-1) on March 18, 2013 (Ordinance 2013-01-01).

Planning Board will meet to consider Special Use Permit application on September 16th and 30th, 2015 and after discussion with staff, adjacent property owners and developer, board recommended approval of the Special Use Permit for Preliminary Plat Green Meadows subdivision with the conditions as stated in Staffs Findings on a 6-1 vote.

Mr. Porter requests to submit the Staff Findings of Facts into evidence.

Mr. Gallop objects on the basis of consideration in the packet as to no injury to the value of adjoining property. G.S. 160A-393 governs quasi-judicial proceedings. The statue states you must listen to competent evidence and cannot hear evidence provided by a lay person. Mr. Porter is not an appraiser and is a lay person.

Chairman clarifies that Mr. Gallop is objecting to the statement and not the report as a whole.

The county attorney County Attorney John Morrison requests Planning Director Dan Porter come forward to answer some questions.

County Attorney John Morrison "Did you author the statement in question?" Planning Director Dan Porter replied "Yes, the staff did."

County Attorney John Morrison, "How did staff make that determination?" Planning Director Dan Porter advised, "The overall evaluation of the project, traffic considerations, and comments from the technical review committee."

Planning Director Dan Porter would like clarification pertaining to the objection if it applies to the staff findings report as a whole or just the statement.

Attorney Bill Brumsey on behalf of the applicant comes forward stating they believe all of the staff findings report should be considered because the Camden County Planning Board and staff deals this all day every day and can weigh appropriately as part of the report. If the board grants Mr. Gallop's objection, they ask that it be limited solely to that section of the report.

County Attorney John Morrison "What experience do you have in appraisals or evaluating value of real-estate in Camden County?" Dan Porter testifies that he has no training or experience in appraising property values.

County Attorney John Morrison "Was this Statement a result of a contentious of the staff and technical review?" Planning Director Dan Porter replied, "The question at technical review did not address the value of property. They looked at the overall view, weather there was any danger to the public with regard to health, safety and wellness."

County Attorney John Morrison, "If the board grants the objection, the developer will have to prove

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that this will not devalue adjoining property.”

Chairman Mike McLain, “For the record, what page of the report can this statement be found?”

Mr. Gallop, “Page 6, Findings Regarding Additional Requirements - section B.”

Planning Director Dan Porter requests the report be heard in its entirety and address the section at that particular time.

The Camden County Attorney John Morrison states that if the objection is granted the staff findings report will still be heard, although the burden of proof will be on the developer to prove that there will be no injury to the value of adjoining or abutting property.

Commissioner Riggs made a motion to grant the objection by striking the statement under findings regarding additional requirements item B; injure the value of adjoining or abutting property. The motion passed unanimously.

Motion to grant the objection

Commissioner Riggs made a motion to grant the objection by striking the statement under findings regarding additional requirements item B; injure the value of adjoining or abutting property. The motion passed unanimously. Chairman McLain states the rest of the report will be received into evidence.

RESULT:	PASSED [UNANIMOUS]
MOVER:	Clayton Riggs, Commissioner
AYES:	McLain, Duckwall, Meiggs, Riggs, White

Special Use Permit - Green Meadows Subdivision - Continued

Chairman McLain states the rest of the report will be received into evidence.

Dan Porter displayed a picture of the preliminary plat being proposed tonight and points out the “L” shaped piece in the center along Pudding Ridge Road. He then turned the podium over to Mr. Hollis Ellis.

Mr. Hollis Ellis is sworn in by the clerk and testifies that he is a Civil Engineer, licensed professional engineer, graduated from Old Dominion University in 1996, licensed in state of North Carolina, NC since Sept of 2001. He further confirms that he is not an attorney

John Morrison ask if there are any challenges as to Mr. Ellis as an expert in engineering regarding residential development. Hearing none, County Attorney John Morrison states the board may receive Mr. Ellis as an expert in engineering regarding residential subdivision developments.

Mr. Ellis states the intent of the subdivision in phases was to keep the project moving forward and not to lay dormant.

Mr. Ellis and his clients are here tonight to present the preliminary plat for the Green Meadows Major subdivision for approval.

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County Attorney John Morrison advises questions from Mr. Brumsey will be entertained first, as he has the burden of proof, then they will entertain a cross examination from Mr. Gallop.

Mr. Brumsey, attorney representing the developer, asks Mr. Ellis if he is familiar with the properties that surround the proposed Green Meadows 9 lot subdivision. Mr. Ellis replied, "Yes".

Mr. Brumsey, "Are you familiar with the zoning of the properties just north of the proposed development?" Mr. Ellis, "Yes, they are zoned agricultural."

Mr. Brumsey, "Are there homes located immediately to the north?" Mr. Ellis, "On the official exhibit they are zoned R52."

Chairman Mike McLain clarifies that the exhibit displays North on the right. Mr. Ellis commented, "The lot to rear of lots 1, 2, 3 and the open space area."

Mr. Brumsey, "Are there home on the property north of the proposed subdivision? Mr. Ellis, "No".

Mr. Brumsey, "Are there homes located just west of the proposed subdivision?" Mr. Ellis replied, "Yes."

Mr. Brumsey, "How about the four lots between Green Meadows and Pudding Ridge Road, are there residential homes located there?" Mr. Ellis, "Yes"

Mr. Brumsey, "What size are the proposed lots in the Green Meadows Subdivision?" Mr. Ellis, "One Acre lots".

Mr. Brumsey, "Is the open space located in the upper right side of the exhibit?" Mr. Ellis replied, "Yes, the open space is located on the northwest corner of the property."

Mr. Brumsey stated he had no further questions for Mr. Ellis.

County Attorney John Morrison called on Mr. Gallop for cross examination.

Mr. Gallop is an attorney representing Mr. & Mrs. Hall.

Mr. Gallop asked Mr. Ellis if he is an engineer licensed in the states of North Carolina and Virginia. Mr. Ellis replied, "Yes."

Mr. Gallop, "Do you work for CAE, Inc.?" Mr. Ellis, "Yes."

Mr. Gallop, "Are they licensed as a corporation in the State of Virginia?" Mr. Ellis, "Yes, and we are registered as a foreign corporation in the state of North Carolina."

Mr. Gallop, "Are they licensed as an engineering firm in North Carolina?" Mr. Ellis, "Yes."

Mr. Gallop, "Are you a licensed surveyor? Mr. Ellis replied, "No."

Mr. Gallop "And the firm is not a licensed surveying firm in the state of North Carolina? Mr. Ellis

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replied "That is correct."

Mr. Gallop asks if the 2 drawings are in fact the same preliminary plat drawings before the board tonight.

Mr. Ellis confirmed the drawings were in fact the same drawings presented to the board.

Mr. Gallop asks Mr. Ellis to confirm the revision dates on the drawings presented to the board tonight.

Mr. Ellis confirms the preliminary plat drawings have dates of November 12, 2015.

Mr. Ellis confirms the 2 drawings are in fact the only 2 drawings that are being submitted as the preliminary plot.

Mr. Gallop, "Did you certify that this plat was drawn under your supervision from an actual survey completed under your supervision?" Mr. Ellis, "Yes, that is correct."

Mr. Gallop, "that the boundaries, not surveyed, are clearly indicated as drawn from information found in Book 268 on page 325?" Mr. Ellis, "Yes."

Mr. Gallop, "that the ratio of precision as calculated is 30 and this plat was prepared in accordance with GS 47-30?" Mr. Ellis, "Yes."

Mr. Gallop, "Did you certify the plat as an engineer and not the surveyor?" Mr. Ellis, "That is correct. I do not have a license to survey in the state of North Carolina."

County Attorney John Morrison asked Mr. Ellis if he is qualified to survey in the state of North Carolina. Mr. Ellis replied he does not hold a professional surveying license in North Carolina.

County Attorney John Morrison, "Do you have any training or education in surveying?" Mr. Ellis replied, "Yes, courses and experience in surveying is required as part of the civil engineering curriculum."

Mr. Gallop, "Did you actually survey this property?" Mr. Ellis, "We had a licensed surveyor, survey the property."

Mr. Gallop, "Since the first four lots were taken?" Mr. Ellis states the property was based off book 268, the original boundary was based off of the entire property from 2008."

Mr. Gallop, "So... No one surveyed any of the lines for the lots shown here?" Mr. Ellis confirmed, "No, because we are not at Final Subdivision Plat."

Mr. Gallop, "Are there plans for a retention pond?" Mr. Ellis confirms there are plans to have a retention pond in the area labeled open space in the northwest corner.

They point toward a red arrow displayed overhead.

Mr. Gallop asks, "Do you have the actual square footage of each lot on the preliminary plat?" Mr. Ellis

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states per the code only have to show the acreage.

Mr. Gallop, "What Code states you only have to show acreage?" Mr. Ellis advises Camden County Code.

Mr. Gallop "Does the plat show buffers you intend to install?" Mr. Ellis, "The only buffer shown is the easement, no landscaping requirement."

Mr. Gallop "What about trees along the roadway?" Mr. Ellis, "No, sir."

Mr. Gallop "What is a Site triangle?" Mr. Ellis "Clear area or zone, area cannot have obstructions, area for vehicles, ensures the area will always be free from obstructions."

Mr. Gallop, "Are they shown on the plat?" Mr. Ellis "Site triangles would be shown on the subdivision construction plans as they are a NCDOT requirement."

Mr. Gallop "What is a MBL?" Mr. Ellis "Minimum Building Line."

Mr. Gallop "What is the setback line along the roadway?" Mr. Ellis "50 foot setback along the roadway around the curve is 100 foot."

Mr. Gallop "What are the rear and side setbacks on the plat?" Mr. Ellis "Rear setback is 10 and the side is also 10 foot."

Mr. Gallop, "You filed a proposed preliminary plat initially dated, August 7th, 2015 that went to the planning board, is that correct?" Mr. Ellis, "Yes sir."

Mr. Gallop, "That plan had a cul-de-sac in the curve of this road, is that correct?" Mr. Ellis replied, "Yes, that is correct."

Mr. Gallop, "When you went to the planning board of September 16th, it ended up changing to drop that cul-de-sac, didn't it?" Mr. Ellis, "That is correct."

Mr. Gallop, "So you had one road with a long curve that went all the way to the back?" Mr. Ellis, "That was to break the road into two parts, so that it would not be one continuous road. Due to the configuration of the subdivision, we would not meet the minimum center line radius. Therefore we broke it up into two different streets. That's where the two road names came in, one is Ann Lane coming in and the other is Atkinson Court going to the rear."

Mr. Gallop, "So on September 16th the planning Board saw the cul-de-sac?" Mr. Ellis, "That is correct."

Mr. Gallop, "Then you had to make some adjustments for open space?" Mr. Ellis, "That is correct."

Mr. Gallop, "So you dropped the cul-de-sac in the curve, right?" Mr. Ellis, "That is correct."

Mr. Gallop, "Then did you have a problem with DOT because of the centerline turn radius didn't match with what they required?" Mr. Ellis replied, "That was the reason we changed and went with two streets. That has always been an issue. It is now an intersection without a cul-de-sac and two stop

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signs, one coming into the subdivision and then a left turn another stop sign then turning right. It is a two legged intersection.”

Mr. Gallop, “So the name of the road shown on the roadway is Atkinson Court, is that right?” Mr. Ellis, “Yes.”

Mr. Gallop, “Is that the original name the planning board saw?” Mr. Ellis, “Yes.”

Mr. Gallop, “So, then you added a new name of Ann Lane, is that correct?” Mr. Ellis, “Yes.”

Mr. Gallop, “and that was added between the September 29th planning board meeting and today, right?” Mr. Ellis, “yes, that is correct.”

Mr. Gallop, “That addition has never been to the planning board, right?” Mr. Ellis, “that is correct.”

Mr. Gallop, “and so the planning board has never seen that name change?”

John Morrison, the County’s Attorney, “Has the planning board seen the plan, which removes the cul-de-sac and replaces it with the two roads?” Mr. Ellis confirmed, “Yes, they approved that plan at the hearing preceding this one.”

John Morrison confirmed that only change the planning board has not seen and approved is the street name change.

Mr. Gallop asks, “Is that really correct?” “There were plat changes and plan changes beyond just the street name since the planning board.” Mr. Ellis, “No sir.”

Mr. Gallop, “Didn’t you move the mailboxes around?” Mr. Ellis replied, “No, there has been no physical change within the subdivision itself, although even the mailbox changes were seen at the last planning board hearing, that was all moved around at the same time.”

Mr. Gallop, “But the planning board meeting was September 29th and this revision is dated 11/12. Is that correct?” Mr. Ellis, “Yes.”

Mr. Gallop, “You have made other changes with regard to roadways. Is that correct?” Mr. Ellis, “Just the name change.”

Mr. Gallop, “Does this plat show the construction details for the roadway?” Mr. Ellis, “No, sir. That is on the construction plan.”

Mr. Gallop, “Does the preliminary plat show all easements and right-of-ways within 50 feet of the exterior property lines of the subdivision?” Mr. Ellis, “Yes, it does.”

Mr. Gallop, “Does it show any easements along the 4 lots, previously subdivided?” Mr. Ellis, “No, we are not showing those because we are not directly impacting them.”

Mr. Gallop, “Does the preliminary plat show all existing natural and manmade features?” Mr. Ellis, “Yes.”

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Mr. Gallop, "Does it show the tree line of any wooded areas?" Mr. Ellis, No we are not showing any tree line, we are showing the change in soils?"

Mr. Gallop, "Does it show any trees of 18 inch or more in diameter?" Mr. Ellis, "No, there are none."

John Morrison clarified that there are no trees of 18 inches or more in diameter; therefore, there is nothing to show.

Mr. Gallop, "Does it show existing contour lines at 2 foot intervals?"

John Morrison asked Mr. Gallop what he means by contour lines. Mr. Gallop replied that he was not sure, although it is listed in the Camden County Code. Mr. Ellis advised, "Contour lines are the changes in elevations. Yes, we are showing the contour lines in 2 foot intervals. We are also showing spot elevations as well."

Mr. Gallop, "For lots on a cul-de-sac, Can you tell me the width of the lot at a 50 foot setback?" Mr. Ellis, "They would have to measure it, is not denoted on the plat. However, we are establishing the minimum setback line at the cul-de-sac (Lot 4) at 100 feet, which is exceeds the required 50 foot minimum."

Mr. Gallop, "Tell me what this minimum requirement of 50 feet is." Mr. Ellis, "That is per the Camden County Zoning Ordinance."

Mr. Gallop, "So the 50 feet you are talking about is the lot width. It has to be a minimum of 50 feet wide and you measured it at 100 foot setback. Is that correct?" Mr. Ellis, "Actually no, the minimum lot width is, well I can't remember what it is per the county code requirement."

Mr. Gallop, "But I cannot tell, from the plat what the width is." Mr. Ellis, "Right, you would have to scale it."

John Morrison asked Mr. Ellis if it is his testimony that the plat is drawn to scale and that it can be measured to determine if it meets the requirements as stated in the UDO. Mr. Ellis, "Yes sir, it is drawn to a 1 inch to 80 foot scale."

John Morrison asked Mr. Ellis as an expert in engineering did he have an opinion, as to whether that distance has been met and if the plat was measured would it show that. Mr. Ellis replied, "Yes." Mr. Morrison, "What is that opinion?" Mr. Ellis replied that he would have to measure it and did not have the equipment with him to do so.

John Morrison, "So, you do not know and therefore do not have an expert opinion."

Mr. Gallop stated he had no further questions for Mr. Ellis.

John Morrison asked Mr. Brumsey if he had any redirect.

Mr. Brumsey asked Mr. Ellis, "Regarding the last question about the width requirements, you could measure the width based on the information given in the plat. Is that correct?" Mr. Ellis, "Yes."

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Mr. Brumsey, "and that is your expert opinion based on your expertise in surveying? Is that correct?"

Mr. Ellis, "Yes sir."

Mr. Brumsey asked Mr. Ellis "Is it your testimony that the only change made to the plat between the September 29th or 30th planning board meeting the name of the street?" Mr. Ellis replied "yes" Mr. Brumsey, "So none of the physical dimensions of the plat have changed?" Mr. Ellis, "Yes, that is correct." Mr. Brumsey then asked if any of the lot lines changed, "Mr. Ellis confirmed, "No, none of the lot lines changed. The cul-de-sac was removed in order to create the additional open space."

Mr. Brumsey, "But the removal of the cul-de-sac was reflected on the plat on the last meeting of the planning board and that plat was approved by the planning board. Is that correct?" Mr. Ellis, "Yes, that is correct."

Mr. Brumsey, "and is it your opinion, that plat is in compliance with the Camden County UDO?"

Mr. Gallop objects.

John Morrison made a recommendation to sustain it on the basis that he is not an attorney; therefore, he cannot argue a statement of law. "That it is in legal compliance."

Chairman McLain calls for a motion to accept the recommendation made by the County's Attorney John Morrison.

Commissioner Garry Meiggs asked for clarification.

John Morrison recommends Mr. Brumsey inquire as to whether or not Mr. Ellis is familiar with the requirements of the Camden County UDO regarding this plat and if as an engineer he has met the engineering requirements. Mr. Ellis replied, "Yes, sir"

John Morrison stated that the Planning Director, Dan Porter, had some questions.

Chairman McLain asked if the board should rule on the objection.

Mr. Gallop stated he did not object to the question as stated by John Morrison and would consider the other sustained as Mr. Ellis did not answer. He adds that his clients are Christie and Bruce Hall.

Mr. Gallop objects to Dan Porter asking questions.

Mr. Morrison recommends the board gather more facts by allowing Dan Porter to come forward with his questions.

Chairman McLain asks if anyone objects to Mr. Porter asking question. Hearing none, he calls on Dan Porter to come forward with his question.

Mr. Porter asks Mr. Ellis if he is familiar with the UDO requirement that construction plans must be submitted along with the preliminary plat to be considered for approval. Mr. Ellis replied, "Yes sir." Mr. Porter then asked if the construction plans were submitted and if they were included the packet

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that was submitted to the board. Again Mr. Ellis replied, "Yes sir. That is correct."

John Morrison informed the board, it was their turn to ask the witness questions.

Commissioner Riggs asks what an 18 inch tree has to do with a flat piece of land. Mr. Morrison explains that the Camden County UDO requires that trees of 18 inches in diameter are shown on the plat. Mr. Ellis has testified that the plat does not show any such trees because there are none.

Chairman calls for any further questions from the board. Hearing none he calls on Mr. Brumsey to come forward with questions for Dan Porter.

Mr. Brumsey asks Mr. Porter what his position in the county is and how long has he been in this position. Mr. Porter states that he is the Planning Director and has been the planning director for eleven years.

Mr. Brumsey, "and are you familiar with the Green Meadows subdivision plat that is the topic of tonight's public Hearing?" Mr. Porter, "I am." Mr. Brumsey, "does the plat meet the requirements of the Camden County UDO?"

Mr. Gallop objects.

John Morrison asks Mr. Porter his experience in Planning and his education. Mr. Porter advised the board he has worked in planning in various capacities for about 40 years. Mr. Porter also advised that he has a Masters in political Science and has attended several courses in planning through the UNC School of Government in Chapel Hill. Finally, "Have you functioned as a planning officer in any other local government?" Mr. Porter replied, "Not as a planning director but in other planning departments." John Morrison, "and are you familiar with the Camden County Unified Development Ordinance?" Mr. Porter, "Yes, I am familiar with the Camden County UDO."

John Morrison states that he believes Dan Porter is entitled to give that opinion.

Mr. Gallop responded that Mr. Porter is not an attorney.

John Morrison, "I think he qualifies as an expert in the Unified Development Ordinance and as I previously stated, you are not required to believe the testimony of an expert. You can believe all, some or none of what the expert says. He is also now subject to cross examination by Mr. Gallop. Mr. Gallop has the opportunity to show, by questioning, that the UDO is not in compliance." He then gives Mr. Brumsey the opportunity for further questioning.

Mr. Brumsey to Dan Porter, "Does the preliminary plat submitted for Green Meadows comply with the Camden County UDO?" Mr. Porter, "to the best of our knowledge... Yes, it does." Mr. Brumsey thanks Dan Porter as he had no further questions for Dan Porter.

John Morrison calls on Mr. Gallop to come forward with his questions for Dan Porter.

Mr. Gallop, "so you just testified that all the requirements of the UDO were met by this preliminary plat. Is that correct?" Mr. Porter, "That is correct."

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Mr. Gallop, "and you mentioned that there were plans and construction plans. Does this board have copies of those plans?"

Mr. Porter, "Yes, construction plans were submitted as a condition of preliminary plat approval." He also confirmed that the board does have those plans.

Mr. Gallop asked, "This is an R3-1 zoning district. Is that correct?"

Mr. Porter, "Yes"

Mr. Gallop, "What is the lot setback for a R3-1 zoning district for residential lots?" Mr. Porter replied, "In this district, it is 50 feet from the right of way." Mr. Gallop then asked, "What is the setback for side and rear lines?" Mr. Porter stated 10 feet.

Mr. Gallop, "Are you sure about that?" Mr. Porter, "setback in the rear is 10 feet and I would have to look at my table to be sure." Mr. Gallop, "Would you have to look at section 151.63?" Mr. Porter, "yes." Mr. Gallop showed Mr. Porter a piece of paper asking him if it was a copy of section 151.63. Mr. Porter stated that it is section 151.63 and that he was not correct, "The rear and side setback is 25 feet."

Mr. Gallop, "So if all of the plans show 10 foot, doesn't that mean that it does not meet the requirements of the Camden County UDO?" Mr. Porter confirmed, "Yes, that is correct."

Mr. Gallop, "and Mr. Ellis testified earlier that there is no requirement to put trees along a new street right of way. Is that correct?" Mr. Porter advised that Mr. Ellis was not correct there is a requirement. Mr. Gallop asked Dan to explain the requirement. Mr. Porter explained, "50 feet off the center line and there is a distance between trees. If the road is within the property there is a requirement to put trees along both sides of the road, but this road is adjacent to other properties and we did not see the requirement result in trees along both sides of the road.

Mr. Gallop, "Does the ordinance provision actually say that you do not have to put trees on both sides?" Mr. Porter advises, "No the ordinance says you have to put landscaping trees along both sides of the road."

Mr. Gallop, "Doesn't the ordinance say that you have to show everything you are going to chance in that preliminary plat?" Mr. Porter is unsure and asks Mr. Gallop to restate his reference. Mr. Gallop refers to the appendix of the ordinance and asked, "If the ordinance does require you to show all proposed natural and man-made features, that you are proposing to create on the property, and all the buffers and trees associated with the road are not shown. Doesn't that mean the ordinance has not been met?"

Mr. Brumsey objects.

John Morrison sustains the objection and advises Mr. Gallop to specifically address and show the witness the requirement of the ordinance. Then you can ask if the ordinance requirement has been met.

RECESS

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Chairman McLain calls for a recess at 8:16 PM to allow the clerk to make copies for the board.

RECONVENE

Chairman McLain reconvenes the meeting and asks Mr. Gallop to confirm that the copies given to the board to review are in fact the same copies he submitted.

Mr. Gallop advises that the board should have three documents from the Camden County Unified Development Ordinance before them.

1. *Chapter 151.232*
2. *Chapter 151.233*
3. *Chapter 151 appendix*

Mr. Brumsey, states Mr. Nowell respectfully asks the board for a continuance to address the technical issues presented tonight.

Mr. Gallop replied, "We object to continuance, we have already had a continuance and a number of these items were raised to the planning board and continually not been addressed. His clients are spending attorney fees; they have hired an engineer and a surveying firm present tonight to testify. There are some hurtles they believe can only be address by denying the plat approval and have Mr. Nowell start the process from the beginning."

John Morrison advises the board that it is in their discretion to grant or deny the request to continue.

Chairman McLain called for a motion.

Commissioner Garry Meiggs asked if they should come out of the hearing before voting. John Morrison advised the board to vote while in this public hearing.

Commissioner Clayton Riggs wants to know if they can move forward with the Public Hearing to hear testimony from the expert witnesses to reveal all technical issues, recess the hearing tonight and allow the developer time to address all technical issues. Then reconvene on another night to hear the closing statements.

There was much discussion pertaining changing the plat to correct the technical issues, identifying that significant changes would first need to be approved by the planning board.

Dan Porter confirms that changing the setbacks would require planning board approval.

Chairman McLain asks what happens if they vote to deny, can they start fresh and submit a new plat to the planning board.

Dan Porter states there is a twelve month waiting period should they choose to amend this plat, although they can apply with a different preliminary plat.

Garry Meiggs makes a motion to approve the developer's request to continue.

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Motion to grant the continuance

Vice Chairman Garry Meiggs made a motion to grant the continuance requested by the developer. The motion passed by a 4-1 vote with Commissioners Tom White, Garry Meiggs, Sandra Duckwall and Clayton Riggs voting Aye, Chairman Mike McLain voting no, no commissioners absent and no commissioners not voting.

RESULT:	PASSED [4 TO 1]
MOVER:	Garry Meiggs, Commissioner
AYES:	Duckwall, Meiggs, Riggs, White
NAYS:	McLain

Special Use Permit - Green Meadows Subdivision - Continued

John Morrison advised that the board must now pick a date to have the developer bring it back to the board.

Commissioner Tom Whites asks Dan Porter if this will have to go back to the planning board for approval.

Dan Porter replied that he would need to know specifically what changes are planned to make that decision. If planning board approval is required, the planning board could hear these changes in February, it would there will be an additional thirty days before the board of commissioners could hear these changes.

Commissioner Garry Meiggs made a motion to set this continuance to May 2nd.

A man from the public interrupts, "I have been here on this issue, two or three times, and the main thing is you want to dig across my land. I come here with a sick family member and I'm here spending my times because somebody is letting the ball drop. Thank you"

Commissioner Garry Meiggs makes a motion to recess this public hearing until Monday May 2nd, at 7:00 PM.

A. Public Hearing – Special Use Permit Preliminary Plat Green Meadows – 9 Lot Major Subdivision (UDO 2013-08-04)

Commissioner Garry Meiggs makes a motion to recess this public hearing until Monday May 2nd, at 7:00 PM. The motion passed unanimously.

RESULT:	RECESSED [UNANIMOUS]	Next: 5/2/2016 7:00 PM
MOVER:	Garry Meiggs, Commissioner	
AYES:	McLain, Duckwall, Meiggs, Riggs, White	

Motion to come out of the public hearing

Commissioner Garry Meiggs made a motion to come out of the public hearing. The motion passed unanimously.

CAMDEN COUNTY BOARD OF COMMISSIONERS

Regular Meeting – January 04, 2016

RESULT:	PASSED [UNANIMOUS]
MOVER:	Garry Meiggs, Commissioner
AYES:	McLain, Duckwall, Meiggs, Riggs, White

B. 1131 : Special Use Permit - Outdoor Shooting Range for Law Enforcement

RESULT:	WITHDRAWN
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5. CONSENT AGENDA

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Clayton Riggs, Commissioner
AYES:	McLain, Duckwall, Meiggs, Riggs, White

- A. Budget Amendment
- B. MOU Sentara-Camden
- C. February Renewals
- D. Tax Refunds, Pickups & Releases

6. COMMISSIONERS' REPORT

Chairman McLain mentioned the following;

- *Albemarle Commission is requesting the board appoint a staff member or commissioner to help in creating a biking website. Garry Meiggs nominates Chairman McLain. Chairman McLain accepts.*
- *Chairman McLain is on the Albemarle Commission's Agenda to be appointed as Secretary.*
- *FEMA Flood Maps is included in the Information section of the board packet.*

7. COUNTY MANAGER'S REPORT

The County Manager announced that Austin Brown has been selected as the new Agriculture Agent.

8. INFORMATION, REPORTS & MINUTES FROM OTHER AGENCIES

- A. Supplement Process for Southern Flounder
- B. November 2015 Employment Figures
- C. EMS Response Times – November 2015
- D. Currituck Resolution to Delay Consideration of Tolling Ferry Routes
- E. Floodplain Mapping Program

9. OTHER MATTERS

CAMDEN COUNTY BOARD OF COMMISSIONERS

Regular Meeting – January 04, 2016

Closed Session

Motion to amend the agenda

Add item 9.A Closed Session to discuss a matter pursuant to the Attorney Client Privilege.

RESULT:	PASSED [UNANIMOUS]
MOVER:	Sandra Duckwall, Vice Chairman
AYES:	McLain, Duckwall, Meiggs, Riggs, White

Motion to enter Closed Session

RESULT:	PASSED [UNANIMOUS]
MOVER:	Clayton Riggs, Commissioner
AYES:	McLain, Duckwall, Meiggs, Riggs, White

Motion to come out of Closed Session

RESULT:	PASSED [UNANIMOUS]
MOVER:	Garry Meiggs, Commissioner
AYES:	McLain, Duckwall, Meiggs, Riggs, White

10. ADJOURN

Chairman McLain adjourned the Commissioners meeting at 9:25 PM.