

**Camden County Board of Commissioners
Regular Meeting
September 17, 2012
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, September 17, 2012 in the Historic Courtroom, Camden, North Carolina. The following Commissioners were present:

Chairman Sandra Duckwall,
Vice Chairman Garry Meiggs, and
Commissioners Randy Krainiak, and Michael McLain.

Also attending were County Manager Mike Renshaw, and Clerk to the Board Ashley R. Honaker, and County Attorney John Morrison. Present for purposes of making a presentation(s) or providing supporting information for agenda items were the following persons: Planning Director Dan Porter, Danelle Barco- Cooperative Extension Agent, Christy Saunders- Emergency Management Director, and Lisa Anderson- Assistant Tax Administrator.

Closed Session, 6:00 P.M. Pursuant to G.S. 143-318.11(a)(3) - Consultation with Attorney

Commissioner Michael McLain made a motion to go into closed session pursuant to G.S 143-318.11(a)(3) for consultation with attorney. At 6:00 P.M., the motion passed 4-0 with Chairman Sandra Duckwall, Vice Chairman Garry Meiggs, and Commissioners Michael McLain, and Randy Krainiak, voting aye; no Commissioner voting no; Commissioner Clayton Riggs 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 at 6:42 P.M. The motion passed 4-0 with Chairman Sandra Duckwall, Vice Chairman Garry Meiggs, and Commissioners Michael McLain, and Randy Krainiak, voting aye; no Commissioner voting no; Commissioner Clayton Riggs absent; and no Commissioner not voting.

Chairman Sandra Duckwall recessed the Board at 6:53 P.M.

Regular Session, 7:00 P.M.

Chairman Sandra Duckwall called to order the September 17, 2012 meeting of the Camden County Board of Commissioners at 6:58 PM.

Invocation and Pledge of Allegiance

Chairman Sandra Duckwall gave the invocation and led those present in the Pledge of Allegiance.

Public Comments –

Wanda Sanders, of 724 North 343, Camden, came before the Board to make a formal complaint against the planning department, and explained that while attempting to purchase one acre of land across the street from her home, she found the planning department staff to be very difficult to work with; that the staff informed her the lot in

question was currently zoned with a minimal requirement of five acres per the subdivision zoning ordinance. She stated that she was informed of the option of acquiring a variance, and went through the entire process. She stated that she did not have a problem with the variance hearing, but with staff and Board of Adjustment professionalism, aside from County Manager Michael Renshaw whom she stated was very helpful.

Chairman Duckwall offered to have Ms. Sanders leave any supplemental information with the clerk, and the Board could take everything under advisement. Chairman Duckwall then asked County Attorney John Morrison to explain the difference between a variance and a rezoning.

Mr. Morrison stated that he cannot deal with specific facts due to potential litigation, but that he could explain a variance and a rezoning. He will be pleased to give his card for later talks. There is a lot of confusion in area. Mr. Parks said area is zoned as 5 acre lots. This means that a zoning ordinance passed by a Board of Commissioners. With that zoning ordinance, if a zoning is not appropriate for wanted use, one possible option is to file a petition through planning office to have the property rezoned so that the area did not require five acres, which would be studied by the Planning Board, there would be a public hearing, which the staff would make a recommendation to the planning board, then planning board would make a recommendation to support or deny the rezoning. The planning board is advisory only; they do not make a final decision. Ultimately it would go to the Board of Commissioners for decision. Zoning is a political question, not a legal question. A decision can be made with certain restrictions, but as a general proposition, the board can decide on personal opinions. There is also no sworn testimony; it is not a court hearing therefore not much of an appeal process. If the Board of Commissioners decided to not rezone, that is the end of the road.

Mr. Morrison continued with then explaining a variance; when the land is already zoned, and you're not asking to have the zoning changed, but the zoning is particularly unfair 'to me' and cannot comply in some technical aspect- such as one part of county zoned with a setback, but the lot is oddly shaped and there is no way a house can fit on the property with required setbacks. So you go not to the Board of Commissioners; because it is a legal question and has to conform to law, it is not based on personal opinion; it goes to the Board of Adjustment, which is essentially a low level court. There is a statute and Camden ordinance that requires the applicant to meet five legal requirements. There is a misconception that variances are easy to get; they are very difficult. You have to prove that if you do not get a variance, there is no reasonable use of the land- if it can be farmed, gardened, a bigger tract- and that is hard to get around. Also, you cannot enter into something that would make it a non-conforming use. The land must be unique, particularly unusual, that is different from everyone else in the neighborhood. One advantage when going before court is that you can appeal before the superior court; this is not Camden district court, and is not criminal court, it is civil court. When appealing to the Superior Court, you can present that Board of Adjustments made a legal error. The appeal would not be a retrial, it would be an examination of the variance hearing, and they would decide if the Board of Adjustments made the right decision or not. You also have option to not go forward with appeal but come back with a rezoning application.

Chairman Duckwall asked Ms. Sanders to leave any information with clerk, and the Board would look at it and take everything under consideration.

Consideration of Agenda

County Manager requested to amend the agenda as follows:

- Remove item 4.C- Acquisition of Real & Personal Property
- Make item 4.D- Monthly Tax Report, to item 4.C
- Add Appointment of Tax Administrator to item 4.D

Vice Chairman Garry Meiggs made a motion to approve the agenda as amended. At 7:22PM, the motion passed 4-0 with Chairman Sandra Duckwall, Vice Chairman Garry Meiggs, and Commissioners Michael McLain, and Randy Krainiak, voting aye; no Commissioner voting no; Commissioner Clayton Riggs absent; and no Commissioner not voting.

Old Business

Item 3.A – Camden County Youth Council Proposed Budget

Camden Cooperative Extension Agent Danelle Barco came before the Board to request the approval and funding of the presented Camden County Youth Council budget of \$4,000, with the inclusion of a reserve fund for any monies, country contribution, grant, or private donation, unused at the end of the fiscal year to roll over.

Commissioner Michael McLain made a motion to amend the agenda as requested. At 7:23pm, the motion passed 4-0 with Chairman Sandra Duckwall, Vice Chairman Garry Meiggs, and Commissioners Michael McLain, and Randy Krainiak, voting aye; no Commissioner voting no; Commissioner Clayton Riggs absent; and no Commissioner not voting.

Item 3.B – Camden County Comprehensive Plan Adoption

Planning Director Dan Porter came before the Board to request the Board to approve the final draft of the Comprehensive Plan.

Commissioner Randy Krainiak made a motion to table the decision to the October 1, 2012 meeting for further review. At 7:25pm, the motion passed 4-0 with Chairman Sandra Duckwall, Vice Chairman Garry Meiggs, and Commissioners Michael McLain, and Randy Krainiak, voting aye; no Commissioner voting no; Commissioner Clayton Riggs absent; and no Commissioner not voting.

New Business

Item 4.A- Emergency Management Mutual Aid Agreement

Director of Emergency Management Christy Saunders came before the Board to request the approval of a new, first of its kind, mutual aid agreement, between thirteen northeast North Carolina counties, giving them legal permission to collect reimbursement funds for any aid provided during emergency situations should they choose to do so. The State has this system in place, but this would be the first between counties in North Carolina.

Vice Chairman Garry Meiggs made a motion to approve the emergency management mutual aid agreement. At 7:29pm, the motion passed 4-0 with Chairman Sandra Duckwall, Vice Chairman Garry Meiggs, and Commissioners Michael McLain, and Randy Krainiak, voting aye; no Commissioner voting no; Commissioner Clayton Riggs absent; and no Commissioner not voting.

Item 4.B- Operation Santa Claus

County Manager Mike Renshaw explained that Caldwell County had contacted administration requesting a donation of \$50 to go towards their Operation Santa Claus program, which includes two Camden children. The program is to ensure that everyone receives presented on Christmas Day. Camden donated \$50 in 2011 as well.

Commissioner Michael McLain made a motion to approve the donation of \$50 to Caldwell County's Operation Santa Claus. At 7:31pm, the motion passed 4-0 with Chairman Sandra Duckwall, Vice Chairman Garry Meiggs, and Commissioners Michael McLain, and Randy Krainiak, voting aye; no Commissioner voting no; Commissioner Clayton Riggs absent; and no Commissioner not voting.

Item 4.C- Monthly Tax Report

Assistant Tax Administrator Lisa Anderson presented the Board with the Monthly Tax Reports for July and August 2012.

Commissioner Michael McLain made a motion to approve the July & August tax reports as presented. At 7:34pm, the motion passed 4-0 with Chairman Sandra Duckwall, Vice Chairman Garry Meiggs, and Commissioners Michael McLain, and Randy Krainiak, voting aye; no Commissioner voting no; Commissioner Clayton Riggs absent; and no Commissioner not voting.

Item 4.D- Appointment of the Tax Administrator

County Manager Mike Renshaw stated that following recruitment for a new County Tax Administrator, staff is recommending the appointment of Mrs. Lisa Anderson for a term of two (2) years.

Vice Chairman Garry Meiggs made a motion to appoint Lisa Anderson as the Camden County Tax Administrator for a two (2) year term. At 7:35pm, the motion passed 4-0 with Chairman Sandra Duckwall, Vice Chairman Garry Meiggs, and Commissioners Michael McLain, and Randy Krainiak, voting aye; no Commissioner voting no; Commissioner Clayton Riggs absent; and no Commissioner not voting.

Board Appointments

Item 5.A- Northeastern Workforce Development

County Manager Mike Renshaw stated that as presented at the previous meeting, staff is still awaiting a recommendation for the respective board.

Commissioner Michael McLain stated, as a point of order, that he did not have a problem with David Simpson continuing to serve as the Camden representative until he is replaced. There were no objections.

This item was tabled to the next meeting.

Consent Agenda

Commissioner Michael McLain made a motion to approve the Consent Agenda as presented. At 7:38pm, the motion passed 4-0 with Chairman Sandra Duckwall, Vice Chairman Garry Meiggs, and Commissioners Michael McLain, and Randy Krainiak, voting aye; no Commissioner voting no; Commissioner Clayton Riggs absent; and no Commissioner not voting.

- A. Draft Minutes- September 4, 2012
- B. Budget Amendments

2012-13-BA002
CAMDEN COUNTY BUDGET AMENDMENT

BE IT ORDAINED by the Governing Board of the County of Camden, North Carolina that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2013.

Section 1. To amend the General Fund as follows:

ACCT NUMBER	DESCRIPTION OF ACCT	AMOUNT	
		INCREASE	DECREASE
Expenses:			
106600-509000	Workers Compensation	\$6,273.00	
109990-500000	Contingency		\$6,273.00

Result of audit 2011-2012

This will result in a decrease of \$6,273.00 in the Contingency of the General Fund.

Balance in Contingency \$62,127.00.

Section 2. Copies of this budget amendment shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Officer for their direction. Adopted this 17th day of September, 2012.

Clerk to Board of Commissioners

Sandra Duckwall

Chairman, Board of Commissioners

2012-13-BA003
CAMDEN COUNTY BUDGET AMENDMENT

BE IT ORDAINED by the Governing Board of the County of Camden, North Carolina that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2013.

Section 1. To amend the General Fund as follows:

ACCT NUMBER	DESCRIPTION OF ACCT	AMOUNT	
		INCREASE	DECREASE
Expenses:			
106700-545113	Contracted Services	\$7,121.00	

Revenues:


10330670-434815 NCD&CS \$7,121.00

Approved Stream Debris Removal Project

This will result in a decrease of \$0.00 in the Contingency of the General Fund.

Balance in Contingency \$62,127.00.

Section 2. Copies of this budget amendment shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Officer for their direction. Adopted this 17th day of September, 2012.

	
Clerk to Board of Commissioners	Chairman, Board of Commissioners

2012-13-BA004
 CAMDEN COUNTY BUDGET AMENDMENT

BE IT ORDAINED by the Governing Board of the County of Camden, North Carolina that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2013.

Section 1. To amend the General Fund as follows:

ACCT NUMBER	DESCRIPTION OF ACCT	AMOUNT	
		INCREASE	DECREASE

Expenses:

105000-574000 Generator \$22,500.00

Revenues:


10399400-439900 Fund Balance Appropriated \$22,500.00

Approved 9/4/12 Commissioners Meeting.

This will result in a decrease of \$0.00 in the Contingency of the General Fund.

Balance in Contingency \$62,127.00.

Section 2. Copies of this budget amendment shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Officer for their direction. Adopted this 17th day of September, 2012.

	
Clerk to Board of Commissioners	Chairman, Board of Commissioners

- C. Tax Collection Report
- D. Tax Refunds, Pickups, & Releases

E. Tax Authorization To Collect

COUNTY GENERAL	6,518,261.61
SOUTH MILLS FIRE	41,504.65
COURTHOUSE FIRE	42,614.23
SHILOH FIRE	25,163.04
JOYCE CREEK	46,894.27
ESTIMATED UTILITIES	91,000.00
TOTAL	6,765,437.80

Commissioner's Report

None.

County Managers Report


County Manager Michael Renshaw announced that the NC Forestry Office signed a lease agreement with the old Shiloh Fire Station; also, the September issue of the County newsletter is now available..

Any other Questions or comments?

None

Meeting Adjourned

At 7:39pm, Chairman Sandra Duckwall asked if there were any other matters to come before the Board of Commissioners, hearing none, she declared the meeting adjourned.



Chairman Sandra Duckwall
Camden County Board of Commissioners

ATTEST:

Ashley Honaker
Clerk to the Board