

- **Camden County Board of Commissioners**

September 21, 2009

**Closed Session – 6:00 P.M.
Regular Meeting - 7:00 P.M.**

**Historic Courtroom, Courthouse Complex
Camden, North Carolina**

MINUTES

The regular meeting of the Camden County Board of Commissioners was held on Monday, September 21, 2009 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:

Chairman Philip S. Faison
Vice Chairman Melvin J. Jeralds
Commissioners Garry Meiggs and Michael McLain

Commissioner Sandy Duckwall was absent due to work commitment.

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

6:00 P.M. – 7:00 P.M. 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 to discuss potential litigation. The motion passed with Commissioners Melvin Jeralds, Michael McLain, Garry Meiggs and Chairman Philip Faison voting aye; no Commissioner voting no; Commissioner Sandy Duckwall absent; and no Commissioner not voting.

Commissioner Garry Meiggs made a motion to come out of closed session and back into regular session at 6:51 p.m. The motion passed with Commissioners Melvin Jeralds, Michael McLain, Garry Meiggs and Chairman Philip Faison voting aye; no Commissioner voting no; Commissioner Sandy Duckwall absent; and no Commissioner not voting.

The Board of Commissioners recessed until 7:00 p.m.

Invocation and Pledge of Allegiance

Rev. Karl Bowden, Vineyard Christian Fellowship, gave the invocation and lead those present in the Pledge of Allegiance.

PROCLAMATION: Danielle Barco – Proclamation of the Camden County Board of Commissioners Regarding the North Carolina 4-H Centennial

Erin Durden and Caroline Sawyer alternately read the 4-H Proclamation to the Board.

Commissioner Michael McLain made a motion to approve the 4-H Proclamation as read. The motion passed with Commissioners Melvin Jeralds, Michael McLain, Garry Meiggs and Chairman Philip Faison voting aye; no Commissioner voting no; Commissioner Sandy Duckwall absent; and no Commissioner not voting.

Cooperative Extension Danielle Barco asked the Commissioners to attend on Sunday, October 4, 2009 at the Camden Community Park, 2:00 p.m. to 5:00 p.m., to read the Proclamation and be part of the formal program.

Proclamation
of the Camden County Board of Commissioners

Regarding the North Carolina 4-H Centennial

WHEREAS, the youth and volunteers of any community are its greatest natural resource; and,

WHEREAS, 4-H is one of the largest youth organizations in North Carolina, with nearly 240,000 youth and 20,000 adult and youth volunteers involved in the North Carolina 4-H program; and,

WHEREAS, 4-H in Camden County claims nearly 800 youth participants and over 60 adult and youth volunteers involved in various 4-H programming; and,

WHEREAS, 4-H Clubs conduct programs to help young people acquire knowledge, develop life skill attitudes which will help them become self-directing, productive members of society; and,

WHEREAS, 4-H addresses issues facing youth wherever they live and helps break barriers by focusing on learning-by-doing; and,

WHEREAS, 4-H builds youth self-esteem, leadership, and citizenship skills and focuses on critical issues as protecting the environment; and,

WHEREAS, 4-H has programs on food and nutrition, science and technology, natural resources, growing plants, caring for animals, career education, community pride, citizenship, leadership; and,

WHEREAS, exciting, fun and youth-centered educational programs are available through county 4-H programs; and,

WHEREAS, 4-H as part of North Carolina Cooperative Extension is a program where youth learn together; and,

WHEREAS, 4-H has been helping youth and adults learn, grow, and work together for a hundred years;

NOW THEREFORE, the Camden Board of Commissioners, this 21th day of September, do hereby proclaim the week of October 4th, 2009 to October 10th, 2009 as

CAMDEN COUNTY 4-H WEEK

and urge the people of this community to take advantage of the opportunity to become more aware of this special program which gives youth the chance to learn together and on their own as part of the Camden County 4-H Youth Development Program, and to join us in recognizing the unique partnership between our county and our States Land-Grant University System.

Philip S. Faison, Chairman
Camden County Board of Commissioner

ATTEST:

Ava J. Gurganus
Clerk to the Board

(SEAL)

PRESENTATION: Chris Lowie – Refuge Manager – Great Dismal Swamp National Wildlife

Mr. Lowie reported the following:

- Refuse was established in 1974; celebrated 35th anniversary in August 2009; celebrated history of refuse;
- Out of 12,000 acres, 9,000 acres is in Camden County;

- Dismal Swamp State Park has 14,000 acres in Camden County;
- The refuse is a revenue sharing program and county is compensated for refuse land from the Federal government;
- In process of restoring white cedar trees after the effects of Hurricane Isabel and fire;
- Program to protect Red Headed Woodpecker and prepare habitat for them;
- Applications are being taken for deer hunting on property;
- Outreach program and showcase events/press releases in Daily Advance;
- Summer youth employment opportunities to work outdoors;
- Contact phone number is 757-986-3705 and website greatdismalswamp.fws.gov.

PRESENTATION: Jerry Newell – EMT-P – EMS Director

Mr. Newell reported the following:

- September 1, 2009 a manned ambulance is stationed at the South Camden Fire Department Station 12, 10:00 a.m. to 10:00 p.m.;
- Thanked the Fire Fighters and Fire Commissioners and the County for providing the area to house the ambulance;
- The ambulance will be housed 24 hours a day for citizens of Camden County who also run emergency medical services;
- The ambulance at Station 12 serves from the Camden bridge down to Currituck County line (Short Cut Road), Rt. 34 to Currituck County line, US 158 North to Old Swamp Road and Stingy Lane at Currituck County line, and down South 343 to Old Trap area for speed and timing issue versus the ambulance coming from Elizabeth City;
- Goal is to reduce emergency calls in the county to 8 minutes 59 seconds or less;
- Station 12 is open for citizen to stop in and have blood pressure, blood sugar checked or answer questions regarding how they feel.

PRESENTATION: Ashley Stoop - Health Department Preparedness Coordinator – H1N1 Update

Ms. Stoop provided handouts and reported on the following:

- A pandemic is a world wide epidemic of a novel influenza virus with no natural immunity, with no vaccine, could cause widespread illness with various severity;
- The H1N1 stain is a mild to moderate pandemic and the severity is determined through the hospitals or deaths;
- Common characteristic is that the virus changes and constantly mutates and that is one reason the Health Department is keeping close tabs on the H1N1 strain;
- A pandemic will occur in waves and starting to see uptake in flu like illness at this time;
- Current strain was originally called “swine flu” because of the characteristic;
- Most people who contract the illness are sick for three (3) to four (4) days;
- Symptoms include fever, cough, sore throat, stuffy nose, chills, body aches, fatigue and gastrointestinal issues;
- Difference from seasonal flu is the target population of school age children and seasonal flu is in older people;
- High risk individuals are at the same risk as seasonal flu;
- Wash hand properly for 20 seconds;
- Cough into tissue, shirt or sleeve;
- Clean work surfaces because it is droplet spread and not air born;
- Stay home when sick at least (24) hours after fever is gone;
- Take antiviral to ease symptoms but antivirals should be reserved for high risk individuals;
- The vaccine is different from seasonal flu shot and the H1N1 shot will be released in mid October;
- The H1N1 vaccine is a tried and true process;
- Planning a (2) dose vaccine - (21) days later get second additional vaccine;

- Vaccine will start with target groups;
- Go to Health Department on US 158 at Camden Medical Park for free vaccine.

PRESENTATION: Bert Banks, Exec. Director – Albemarle Commission

Mr. Banks reported on the following:

- Thanked Commissioner Melvin Jeralds for his active participation on the Albemarle Commission Board and thanked Commissioner Michael McLain for his work on the Workforce Consortium;
- Presented annual report for the Board to review;
- Programs include: 9,000 meals annually in the Nutrition Program and Home Delivered meal delivered by 323 hours of volunteer service; Aging Program; Workforce Development Program.

Public Comments

Chairman Philip Faison asked for any comments from the public.

Frank Gates, Adjutant for VFW Post 6060, informed the public that there will be a Veterans Appreciation Day to honor veterans on November 21, 2009, Noon to 5:00 p.m., 1433 North Road Street, Elizabeth City. There will be live music, food, beverage, door prizes and drawings.

Consideration of Agenda

Chairman Philip Faison amended the agenda to add *Item 7. C. Discussion and Possible Transfer of CAPS Appeals to Board of Adjustment.*

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

Consent Agenda

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

• **Consent Agenda**

September 8, 2009 Regular Meeting subject to correction of typographical and technical errors.

Set Public Hearing – Building of Fire Station on Keeter Barn Road in South Mills with either Stimulus Money or Obtaining a Loan for October 19, 2009

Volunteer Forms – Brian Griffin, Edith Poole Jennings & Dorothy Drake

Tax Collection Report – August 2009 in the amount of \$1,213,508.61.

Tax Releases, Pick Up and Refunds

<u>Name</u>	<u>Amount</u>	<u>Type</u>	<u>Reason</u>	<u>No.</u>
William F. Williams Jr.	-\$ 17.04	Release	Wrong County	11439
	\$ 122.88	Pick Up	+\$ 105.84 Adjustment	
Everett White	\$ 1,363.66	Release	House Incomplete	11399
	\$ 977.21	Pick Up	-\$ 386.45 Adjustment	

Atlantic Coastal	-\$ 1,397.91 +\$19,474.85	Release Pick Up	Equip List Incorrect -\$18,076.94 Adjustment	11348
Direct TV	-\$ 1,359.62 \$ 935.37	Release Pick Up	Equip Use Change -\$ 424.25 Adjustment	11401
Aberdeen Ridge	\$ 2,605.11 \$ 2,605.11	Pick Up Adjustment	Equip Correction	11349
Charles Blogg	\$ 137.04	Pick Up	Wrong County	11335

Refunds to be Issued by Finance Officer in the amount of \$479.46 and \$489.82.

Resolution No. 2009-09-06 – NCDOT for Addition to State Maintained Secondary Road System – Taylor’s Court

Resolution No. 2009-09-06

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION REQUEST FOR ADDITIONS TO STATE MAINTAINED SECONDARY ROAD SYSTEM

**North Carolina
County of Camden**

Road Descriptions: Taylor’s Court, Taylor’s Beach Landing Subdivision, Courthouse Township

WHEREAS, the attached petition has been filed with the Board of County Commissioners of the County of Camden requesting that the above described road(s), the location of which has been indicated on the attached map, be added to the Secondary Road system; and

WHEREAS, the Board of County Commissioners is of the opinion that the above described roads should be added to the Secondary Road System, if the roads meet minimum standards and criteria established by the Division of Highways of the Department of Transportation for the addition of roads to the System.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Camden that the Division of Highways is hereby requested to review the above described road(s), and to take over the roads for maintenance if they meet established standards and criteria.

Philip S. Faison, Chairman
Camden County Board of Commissioners

CERTIFICATE

The foregoing resolution was duly adopted by the Board of Commissioners of the County of Camden at a meeting on the 21st day of September, 2009.

Ava Gurganus, Clerk to the Board of Commissioners,
County of Camden

S E A L

Renewal of License to Engage in Business – Waste Management

- **End of Consent Agenda**

Old Business - Bid Results - Demolition and Removal of Demolished Material for 118 North NC 343

The following bids were presented to the Commissioners for approval:

F & H Land Development, Jarvisburg, NC	\$13,600.00
C & W Land Clearing, Elizabeth City, NC	\$12,000.00

R & D Excavation, Elizabeth City, NC	\$17,200.00
J & M Excavation, Camden, NC	\$18,525.00

Commissioner Garry Meiggs made a motion to approve the lowest bid from C & W Land Clearing for the demolition and removal of all demolished materials of a house, garage, brick wall, and trees, excluding the large oak tree which faces 343 North, located at 118 Highway 343 North, known as the Morrisette property. The motion passed with Commissioners Melvin Jeralds, Michael McLain, Garry Meiggs and Chairman Philip Faison voting aye; no Commissioner voting no; Commissioner Sandy Duckwall absent; and no Commissioner not voting.

Old Business - Camden County Board of Education Budget Amendment

Commissioner Michael McLain made a motion to approve the budget amendment for the Child Nutrition Fund as submitted by the Board of Education. The motion passed with Commissioners Melvin Jeralds, Michael McLain, Garry Meiggs and Chairman Philip Faison voting aye; no Commissioner voting no; Commissioner Sandy Duckwall absent; and no Commissioner not voting.

Public Hearing – Ordinance No. 2009-09-03 – Amendment to Chapter 151 of the UDO of the Camden County Code of Ordinances

Commissioner Garry Meiggs made a motion to go into public hearing to receive comments from the public regarding Ordinance No. 2009-09-03. The motion passed with Commissioners Melvin Jeralds, Michael McLain, Garry Meiggs and Chairman Philip Faison voting aye; no Commissioner voting no; Commissioner Sandy Duckwall absent; and no Commissioner not voting.

Chairman Philip Faison called for any comments from the public.

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

Amendment to Agenda

Chairman Philip Faison amended the agenda to add *Item. 7. D. Consideration of Ordinance No. 2009-09-03* to the agenda.

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

Board Appointment - Senior Citizen Advisory Board

Commissioner Michael McLain made a motion to appoint Patricia Delano to the Senior Citizen Advisory Board for a term of three (3) years to expire September 20, 2012. The motion passed with Commissioners Melvin Jeralds, Michael McLain, Garry Meiggs and Chairman Philip Faison voting aye; no Commissioner voting no; Commissioner Sandy Duckwall absent; and no Commissioner not voting.

County Manager Randell Woodruff stated that other volunteers were presented in the *Consent Agenda* who expressed interest in serving on the Senior Citizen Advisory Board and the Board can act on those at the next meeting. Mr. Woodruff stated that he is currently working on revising the Senior Citizen Advisory Board Bylaws and the Bylaws will be presented at the next meeting for the Commissioners review.

Board Appointments - Camden Economic Development Commission (CEDC)

Commissioner Michael McLain made a motion to appoint the County Manager, Chairman to the Board of Commissioners and Roger McClendon of UNC Environmental Science to the CEDC. The motion passed with Commissioners Melvin Jeralds, Michael McLain, Garry Meiggs and Chairman Philip Faison voting aye; no Commissioner voting no; Commissioner Sandy Duckwall absent; and no Commissioner not voting.

Commissioner Garry Meiggs asked for clarification “from the community” and if that means work in the community or live in the community.

County Manager Randell Woodruff stated there is no residency requirement in the bylaws the Commissioners adopted.

County Attorney John Morrison stated there is no residency requirement and the Commissioners may wish to revisit the matter of residency.

Commissioner Melvin Jeralds questioned an applicant that serves on the Planning Board and was that person going to be able to serve on the CEDC and Planning Board both.

Chairman Philip Faison stated no.

Commissioner Melvin Jeralds asked if the individual is aware that if they serve on other committees, they would not be able to serve on both.

Chairman Philip Faison stated yes.

Commissioner Melvin Jeralds asked if they had been told.

The County Manager stated he had not discussed this with them and he had heard that this has been a subject of conversation.

Commissioner Michael McLain asked who is on the Planning Board, to which County Manager Randell Woodruff replied, Terri Griffin.

Planning Director Dan Porter stated that Terri Griffin has been in his office and she is aware that she will come off the Planning Board and not serve on both boards.

Commissioner Garry Meiggs asked if these issues should not be continued before the members are addressed for recommendation as board members and asked if Terri Griffin wants to serve.

Chairman Philip Faison stated he spoke to her earlier and she would serve on the CEDC.

Commissioner Garry Meiggs stated that there was still the issue of what is “of the community”, except for the state agency.

County Manager Randell Woodruff cautioned that the Board should be careful in penalizing someone who does not live in the county because it is very expensive for young people to live in Camden County. Mr. Woodruff stated that he experienced it first hand when he moved to Camden County. Housing costs are extremely high here and a lot of county employees do not live here because it is so expensive. He suggested that the Commissioners have to look at that as well.

Commissioner Michael McLain made a motion to nominate Sean Robey, Maria Garcia, Will Meiggs, Alicia Cavender Draper, Melvin Hawkins as members to the CEDC.

Commissioner Melvin Jeralds expressed his interest in voting on each member one at a time. Chairman Philip Faison and Commissioner Garry Meiggs concurred.

Commissioner Michael McLain stated his motion stood.

Commissioner Michael McLain's motion to nominate Sean Robey, Maria Garcia, Will Meiggs, Alicia Cavender Draper, Melvin Hawkins as members to the CEDC failed with Commissioners Melvin Jeralds, Garry Meiggs and Chairman Philip Faison voting no; Commissioner Michael McLain voting yes; Commissioner Sandy Duckwall absent; and no Commissioner not voting.

Commissioners Melvin Jeralds made a motion to nominate Sean Robey as a member to the CEDC as the Engineering representative. The motion passed with Commissioners Melvin Jeralds, Michael McLain, Garry Meiggs and Chairman Philip Faison voting aye; no Commissioner voting no; Commissioner Sandy Duckwall absent; and no Commissioner not voting.

Commissioner Garry Meiggs stated the Commissioners still did not address the issue regarding what is considered a member of the community.

County Attorney John Morrison stated it could be a very broad interpretation and the Bylaws could be amended by amending the agenda.

Amendment to Agenda

Commissioner Jeralds requested that the agenda be amended to address the "community" issue by amending to the require residency in the county for appointment to the CEDC. The motion passed with Commissioners Melvin Jeralds, Garry Meiggs and Chairman Philip Faison voting aye; Commissioner Michael McLain voting no; Commissioner Sandy Duckwall absent; and no Commissioner not voting.

Commissioner Garry Meiggs made a motion to require a residency requirement for appointment to the CEDC Board, with the exception of the UNC representative. The motion passed with Commissioners Melvin Jeralds, Garry Meiggs and Chairman Philip Faison voting aye; Commissioner Michael McLain voting no; Commissioner Sandy Duckwall absent; and no Commissioner not voting.

County Attorney John Morrison asked for point of clarification that the amendment be placed in the Bylaws under *Article V. Membership, Section 1.*, add a new sentence "*Said members with the exception of the representative of the University of North Carolina system shall be residents of Camden County at the time of their appointment and throughout the tenure of their service.*"

ARTICLE V

Article I. Membership

Section 1. The Commission membership shall be comprised of no more than nine (9) members with each having a vote.

Of the nine (9) members of the Commission, two are the Chairperson of the Camden County Board of Commissioners and the County Manager. The remaining seven (7) are to be filled from the following professions or institutions, but not limited to:

- Medical*
- Engineering*
- Finance/Banking*
- Local Educator*
- University of North Carolina System – UNC or NCSU (Life Science or Environmental Science)*
- Elizabeth City State University (Life Science or Environmental Science)*
- UNC School of Government*
- College of the Albemarle*

Said members, with the exception of the UNC representative, will be required to reside within the County.

Board Appointments - Camden Economic Development Commission (CEDC)

Commissioner Garry Meiggs asked to be recused from voting for Will Meiggs due to blood kinship. The motion passed with Commissioners Melvin Jeralds, Michael McLain, Garry Meiggs and Chairman Philip Faison voting aye; no Commissioner voting no; Commissioner Sandy Duckwall absent; and no Commissioner not voting.

Commissioner Melvin Jeralds made a motion to appoint Will Meiggs as representative from the banking profession. The motion passed with Commissioners Melvin Jeralds, Michael McLain and Chairman Philip Faison voting aye; no Commissioner voting no; Commissioner Sandy Duckwall absent; Commissioner Garry Meiggs recused; and no Commissioner not voting.

Commissioner Garry Meiggs took no part in the discussion or voting.

Commissioner Garry Meiggs made a motion to appoint Alicia Draper as representative from the finance profession. The motion passed with Commissioners Melvin Jeralds, Michael McLain, Garry Meiggs and Chairman Philip Faison voting aye; no Commissioner voting no; Commissioner Sandy Duckwall absent; and no Commissioner not voting.

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

Commissioner Michael McLain made a motion to appoint Terri Griffin as business representative with the understanding that Mrs. Griffin will resign from the Planning Board. The motion passed with Commissioners Melvin Jeralds, Michael McLain, Garry Meiggs and Chairman Philip Faison voting aye; no Commissioner voting no; Commissioner Sandy Duckwall absent; and no Commissioner not voting.

Commissioner Garry Meiggs made a motion to appoint John Kight as life sciences representative. The motion passed with Commissioners Melvin Jeralds, Michael McLain, Garry Meiggs and Chairman Philip Faison voting aye; no Commissioner voting no; Commissioner Sandy Duckwall absent; and no Commissioner not voting.

Board Appointment - Board of Adjustment

Commissioner Garry Meiggs made a motion to appoint Janice Hassell as a voting member to the Board of Adjustment. The motion passed with Commissioners Melvin Jeralds, Michael McLain, Garry Meiggs and Chairman Philip Faison voting aye; no Commissioner voting no; Commissioner Sandy Duckwall absent; and no Commissioner not voting.

Planning Director Dan Porter stated that at some time the Commissioners will need to add an alternate member to the Board of Adjustment and fill the vacant position of Terri Griffin on the Planning Board.

Chairman Philip Faison so directed the Planning Director to bring forth volunteer forms at the October 5, 2009 Commissioners meeting.

New Business - Food Bank of the Albemarle

County Manager Randell Woodruff shared the following information to the Board: Food Bank of the Albemarle will be having their *Annual Walk for Hunger* on Sunday, October 11, 2009 to help raise money to benefit the hungry men, women and children that they serve.

New Business - List of Handicap Accessibility Issues

County Manager Randell Woodruff stated that Camden County was notified by Laurel Wright (Chief Accessibility Code Consultant) with North Carolina Dept. of Insurance that at least one citizen had complained of handicap accessibility. After checking on requirements and having inspected each building, a list of accessibility issues was compiled. Laurel Wright agreed to meet with county staff to answer questions and determine how the county should proceed. The list was put in order of what issues need to be corrected first.

Laurel Wright also stated that the Board of Commissioners should adopt the plan to correct the accessibility issues. The plan is to have building and grounds work on the issues that can be preformed in house and obtain cost estimates for the other issues like bathrooms that need to be replaced.

County Manager Randell Woodruff reviewed the following list:

Administration Building

- Need van accessible parking, one in six should be van accessible.
- Need proper access aisles at accessible spaces.
- Door handles in accessible areas shall be lever, push type or u-shape design. The opening pressure of exterior doors shall not exceed 8.5 lbs. push or pull.
- The counters at the water, tax and inspection departments have to a section at each counter having a width of 36 inches and a height of 36 inch maximum above the floor.
- Ramp on back of building needs handrails on both sides of ramp.
- Need ramp on front of building.
- Need accessible bathroom, none of existing bathrooms are large enough.

Sheriff's Office

- Need proper signage at parking, bathrooms and accessible entrances.
- The front handicap ramp will require railings and edge protection.
- The front entrance to the magistrate's office will require a ramp to be added.
- The counter at Mrs. Lilly's desk is too high, requires a 36 in. wide area that is maximum of 36 in. high.
- Building requires accessible water fountain.
- There is no accessible bathroom in the building; the two bathrooms in the rear are not large enough to meet the requirements.

Senior Center

- The accessible parking is not properly marked with access aisles.
- No van accessible parking with proper aisle.
- Signage for accessible parking not correct.
- The front ramp and steps need replacement or modification to meet code.
- The exercise equipment needs to be rearranged to allow for proper egress.
- The phone shall have a maximum height of 48in., it is currently 56 in.
- The table between bathrooms needs to be moved to allow doors to open completely.
- The bathrooms size will not allow for proper stall size and signage needs to be located on the strike side of the jamb.
- All doors will require lever type handles.
- Lavatory handles in men's bathroom need to be changed to lever type.
- The grab bars are not at proper height.
- Building requires a water fountain.

Social Services

- No van accessible parking.
- Signage for parking is not proper height.
- Steps exceed 3/8 in. tolerance.
- Ramp at front entrance requires a 60 in. X 60 in. landing.
- Counter requires accessible area of 36in wide and maximum of 36 in. high.
- Bathrooms will require new accessible toilets and grab bars at proper height.
- Water fountains are not accessible -50% of fountains shall be accessible.

Chairman Philip Faison asked if the state provided a time table for the work to be done.

County Manager Randell Woodruff replied, yesterday. Mr. Woodruff stated the ADA was adopted in 1992 and it is unacceptable that the county has not done what it is suppose to do to be in compliance.

Attorney John Morrison advised this is something the Board does not have any discretion on and recommended that the County Manager be instructed to present to the Board a plan, schedule and cost estimate at the earliest possible opportunity to move forward.

Chairman Philip Faison so directed.

New Business –Discussion and Possible Transfer of CAPS Appeals to Board of Adjustment from the Board of Commissioners

County Attorney John Morrison stated that he had given the Board an informal opinion that this matter would not require a formal hearing and with Mr. Porter discussing this matter with him, Mr. Porter pointed out that there is a gray area whether the CAPS is zoning, in which case any zoning ordinance requires a public hearing. If the Board wants to go forward, the Board will need to set a public hearing.

Planning Director Dan Porter explained the APFO and the references to the General Statutes in the APFO.

Commissioner Melvin Jeralds asked that the matter be discussed before a public hearing is set, to which Chairman Philip Faison stated that the matter was just discussed.

Commissioner Melvin Jeralds stated that he is personally against this matter because the Commissioners set and understands the Adequate Public Facilities Ordinance (APFO) and the Commissioners would be turning this quasi judicial authority over to a committee that is not familiar with the APFO.

Commissioner Michael McLain made a motion to set public hearing for transfer of CAPS appeals to the Board of Adjustment on October 5, 2009. The motion passed with Commissioners Michael McLain, Garry Meiggs and Chairman Faison voting yes; Commissioner Melvin Jeralds voting no; Commissioner Sandy Duckwall absent; and no Commissioner not voting.

Consideration of Ordinance No. 2009-09-03 – Amendment to Chapter 151 of the UDO of the Camden County Code of Ordinances

Commissioner Michael McLain made a motion to approve Ordinance No. 2009-09-03. The motion passed with Commissioners Melvin Jeralds, Michael McLain, Garry Meiggs and Chairman Philip Faison voting aye; no Commissioner voting no; Commissioner Sandy Duckwall absent; and no Commissioner not voting.

Ordinance No. 2009-09-03

**An Ordinance
Amending the Camden County
Code of Ordinances**

Camden County, North Carolina

BE IT ORDAINED BY THE CAMDEN COUNTY BOARD OF COMMISSIONERS as follows:

Article I: Purpose

The purpose of this Ordinance is to amend the Article 151 of the Camden County Code of Ordinances of Camden County, North Carolina, which was originally adopted by the

County Commissioners on December 15, 1997, and subsequently amended and as otherwise incorporated into the Camden County Code.

Article II. Construction

For purposes of this Ordinance, underlined words (underline) shall be considered as additions to existing Ordinance language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. New language of proposed ordinance shall be shown in italics (*italics*) and underlined.

Article III. Amend Section 151 as amended of the Camden County Code which shall read as follows:

CHAPTER 151: UNIFIED DEVELOPMENT

§ 151.361 CONTINUATION OF NONCONFORMING SITUATIONS AND COMPLETION OF NONCONFORMING PROJECTS.

(A) Unless otherwise specifically provided in these regulations and subject to the restrictions and set forth in this subchapter, nonconforming situations that were otherwise lawful on the effective date of this chapter may be continued.

(B) Nonconforming projects may be completed only in accordance with the provisions of this subchapter.

(C) Within Camden County, property that is subject to active or expired Conditional Use Permits or Variance approval issued prior to December 31, 2004, which;

(1) allow temporary placement of mobile homes with the condition the property owner and permit holder shall construct a Modular or Site Built home within a specific time period;

(2) and where that property owner and permit holder has not satisfied the condition that a modular or site built home be built within a certain time frame;

shall be considered to be a legal non-conforming use; and

No new building permit shall be issued for replacement of a manufactured home with another, except as permitted in the underlying zoning.

Adopted by the Board of Commissioners for the County of Camden this 21st day of September, 2009.

County of Camden

Phillip Faison, Chairman
Camden County Board of Commissioners

ATTEST:

Ava Gurganus
Clerk to the Board

(SEAL)

Commissioner's Report

Commissioner Michael McLain stated that he had faxed a second letter to Senator McCain regarding the OLF.

County Manager's Report

County Manager Randell Woodruff reported the following:

- In process of scheduling a joint meeting with the Board of Education to discuss the zero interest bonds that the county is eligible for and application has been submitted and the county has been approved to borrow \$3m. A consensus must be reached between the two (2) boards to decide to proceed. The meeting is scheduled for Monday October 5, 2009.

Commissioner Garry Meiggs asked if the debt service report will be prepared before the Board moves ahead.

County Manager Randell Woodruff stated that the Board must let the Board of Education know by the end of October if the county is going to use the money or let the money go back for another school to use.

- Reception for new Army Corps of Engineer Col. Andrew Backus at Dismal Swamp Canal on September 24, 2009.
- Eco Industrial Plan master plan will be available in next few weeks.
- Attended Jail Commission meeting and project is winding down.

Adjournment

Chairman Philip Faison adjourned the meeting at 8:32 p.m.

ATTEST:

Philip S. Faison, Chairman
Camden County Board of Commissioners

Ava J. Gurganus
Clerk to the Board