

**Camden County Board of Commissioners
Regular Meeting
June 17, 2013
6:00 P.M. – Closed Session
7:00 P.M. - Special Meeting
Historic Courtroom, Courthouse Complex
Camden, North Carolina**

MINUTES

The regular meeting of the Camden County Board of Commissioners was held on Monday, June 17, 2013 in the Historic Courtroom, Camden, North Carolina. The following Commissioners were present:

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

Also attending were County Manager Mike Renshaw, and Clerk to the Board Ashley R. Honaker. Present for purposes of making a presentation(s) or providing supporting information for agenda items were the following persons: Dan Porter- Planning Director, Dave Parks- Permitting Officer, and Kim Minton- Tax Specialist.

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

Vice Chairman Michael McLain made a motion to go into closed session pursuant to G.S. 143-318.11(a)(3) for consultation with attorney to discuss potential litigation. At 6:02 P.M., the motion passed 5-0 with Chairman Garry Meiggs, Vice Chairman Michael McLain, and Commissioners Sandra Duckwall, Clayton Riggs, and Randy Krainiak, voting aye; no Commissioner voting no; No Commissioner absent; and no Commissioner not voting.

The Commissioners entered closed session at 7:02 P.M.

Commissioner Sandra Duckwall made a motion to come out of closed session at 6:38 P.M., the motion passed 5-0 with Chairman Garry Meiggs, Vice Chairman Michael McLain, and Commissioners Sandra Duckwall, Clayton Riggs, and Randy Krainiak, voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Chairman Garry Meiggs recessed the Board at 7:04 P.M.

Regular Session, 7:00 P.M.

Chairman Garry Meiggs called to order the June 17, 2013 meeting of the Camden County Board of Commissioners at 7:11 PM.

Invocation and Pledge of Allegiance

Chairman Garry Meiggs gave the invocation, and led the Pledge of Allegiance.

Public Comments

None

Consideration of Agenda

Commissioner Sandra Duckwall made a motion to approve the agenda as presented. At 7:13PM, the motion passed 5-0 with Chairman Garry Meiggs, Vice Chairman Michael McLain, and Commissioners Sandra Duckwall, Clayton Riggs, and Randy Krainiak, voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Public Hearing

Commissioner Sandra Duckwall made a motion to go into Public Hearing. At 7:14pm, the motion passed 5-0 with Chairman Garry Meiggs, Vice Chairman Michael McLain, and Commissioners Sandra Duckwall, Clayton Riggs, and Randy Krainiak, voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Item 3.A- Ordinance No 2013-05-01; Amendment to Article 151.347 (Specific Standards) for Accessory Apartments

Planning Director Dan Porter came before the Board to explain that following a NC Court of Appeals case in 2008, a Local Government can zone, pursuant to its policing power, and statutory authority for land use purposes. It cannot however, zone regarding ownership. As the matter now stands, the ordinance is in conflict with the NC Court of Appeals' decision. The three options of the Board are to:

1. Do nothing. If the law is never challenged, we can enforce it.
2. In the event the law is challenged, we can defend it. We would surely lose in the Superior Court as it would have to follow existing precedent. We would again almost surely lose in the Court of Appeals in that it has already spoken. The hurdle would be to get the case to the North Carolina Supreme Court. This could indeed be very difficult. Most likely, we would have to persuade the Supreme Court this is a case of such state-wide significance, they should hear it or the Court of Appeals' decision is inconsistent with other legal principals, which have been approved by the Supreme Court. Unless there was a split decision in the Court of Appeals, we do not have an automatic right to get the case to the Supreme Court. They would have to take it or not in their discretion.
3. We can abolish our ordinance. Those persons who have built under it, and I believe that is only one or two, would simply be grandfathered in. We would advise them they could use their apartment without having to reside upon the premises. There should be very little complaint from them as we have enhanced the income producing potential of their property. Others who want the same privilege may be unhappy but we are bound by law.

County Attorney John Morrison added that the problem is that the court of appeals had found identical language to our ordinance a problem in appellate court. A language change to satisfy this conflict would then allow two (2) families to reside on one property, making a property zoned as single family technically into a multi-family.

Commissioner Clayton Riggs made a motion to come out of the public hearing for ordinance no 2013-05-01. The motion passed unanimously at 7:17pm

3.B- Capital Improvement Plan

Commissioner Clayton Riggs made a motion to go into Public Hearing for the Capital Improvement Plan. The motion passed unanimously at 7:18pm..

County Manager Michael Renshaw stated that the CIP was similar to that presented last year, with amendments made for the Shiloh Community Park, as well as the additional well sites.

Commissioner Sandra Duckwall made a motion to come out of public hearing. At 7:19pmpm, the motion passed 5-0 with Chairman Garry Meiggs, Vice Chairman Michael McLain, and Commissioners Sandra Duckwall, Clayton Riggs, and Randy Krainiak,

voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Commissioner Clayton Riggs made a motion to amend the agenda to add items 3.A and 3.B, to items 4.D and 4.E, respectfully.

New Business

Item 4.A- Ordinance No 2013-05-02; Creation of Chapter 53 (Stormwater Management Utility) to the Camden County Code of Ordinances

Planning Director Dan Porter came before the Board to request the approval of Ordinance No 2013-05-02, as presented in public hearing at the June 3, 2012 Board of Commissioners regular meeting.

Commissioner Sandra Duckwall made a motion to approve Ordinance 2013-05-02 as presented. At 7:36pm, the motion passed 5-0 with Chairman Garry Meiggs, Vice Chairman Michael McLain, and Commissioners Sandra Duckwall, Clayton Riggs, and Randy Krainiak, voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Item 4.B- Monthly Tax Report

Tax Special Kim Minton came before the Board to present the monthly tax report for May 2013.

Commissioner Riggs made a motion to approve the report as presented. At 7:38pm, the motion passed 5-0 with Chairman Garry Meiggs, Vice Chairman Michael McLain, and Commissioners Sandra Duckwall, Clayton Riggs, and Randy Krainiak, voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Item 4.C- FY 2013-2014 County Tax Rate

County Manager Renshaw stated that the tax rates saw no change from the FY12-13.

Vice Chairman McLain made a motion to approve the tax rates as presented. At 7:40pm, the motion passed 5-0, with Chairman Garry Meiggs, Vice Chairman Michael McLain, and Commissioners Sandra Duckwall, Clayton Riggs, and Randy Krainiak voting aye; no Commissioners voting no; no Commissioners absent; no Commissioners not voting.

Item 4.D- Ordinance No 2013-05-01

Commissioner Riggs made a motion to approve the ordinance language amendment as presented. The motion passed 5-0, with Chairman Garry Meiggs, Vice Chairman Michael McLain, and Commissioners Sandra Duckwall, Clayton Riggs, and Randy Krainiak voting aye; no Commissioners voting no; no Commissioners absent; no Commissioners not voting.

Item 4.E- Capital Improvement Plan

Commissioner Riggs made a motion to approve the CIP as presented. The motion passed 5-0, with Chairman Garry Meiggs, Vice Chairman Michael McLain, and Commissioners Sandra Duckwall, Clayton Riggs, and Randy Krainiak voting aye; no Commissioners voting no; no Commissioners absent; no Commissioners not voting.

Board Appointments

Item 5.A- Camden TDA Appointment

Commissioner Randy Krainiak made a motion to appoint Elton Sawyer to the Camden TDA as presented. At 7:41pm, the motion passed 5-0, with Chairman Garry Meiggs, Vice Chairman Michael McLain, and Commissioners Sandra Duckwall, Clayton Riggs, and Randy Krainiak voting aye; no Commissioners voting no; no Commissioners absent; no Commissioners not voting.

Item 5.B- DSS Board

Vice Chairman McLain made a motion to re-appoint Karl Bowden to the Camden DSS Board as presented. At 7:42pm, the motion passed 5-0, with Chairman Garry Meiggs, Vice Chairman Michael McLain, and Commissioners Sandra Duckwall, Clayton Riggs, and Randy Krainiak voting aye; no Commissioners voting no; no Commissioners absent; no Commissioners not voting.

Item 5.C- ABC Board Interim Appointments

Chairman Garry Meiggs appointed Vice Chairman Michael McLain and Commissioner Sandra Duckwall to the Camden ABC Board in the interim.

Item 5.D- Agriculture Advisory Board

Commissioner Riggs made a motion to appoint Linda Ferebee to the Camden Agriculture Advisory Board as presented. At 7:44pm, the motion passed 5-0, with Chairman Garry Meiggs, Vice Chairman Michael McLain, and Commissioners Sandra Duckwall, Clayton Riggs, and Randy Krainiak voting aye; no Commissioners voting no; no Commissioners absent; no Commissioners not voting.

Consent Agenda

Commissioner Riggs made a motion to approve the consent agenda as presented. At 7:44pm the motion passed 5-0, with Chairman Garry Meiggs, Vice Chairman Michael McLain, and Commissioners Sandra Duckwall, Clayton Riggs, and Randy Krainiak voting aye; no Commissioners voting no; no Commissioners absent; no Commissioners not voting.

A. Draft Minutes- June 3, 2013

B. Budget Amendments

**2012-13-BA032
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 Social Services Fund as follows:

ACCT NUMBER	DESCRIPTION OF ACCT	AMOUNT	
		INCREASE	DECREASE
Expenses:			
528000-535000	Fema Grant	\$112.00	
528000-571000	Work First DOT	\$541.50	

Revenues:

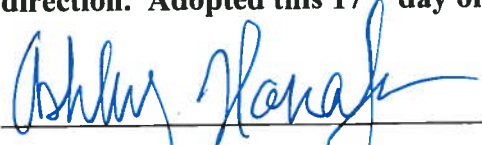
52360610-402000	Fema Grant	\$112.00
52330610-434861	Work First Transition	\$541.50

Grant awarded and additional funding

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

Balance in Contingency \$29,098.00.

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 June, 2013.



Clerk to Board of Commissioners



Chairman, Board of Commissioners

2012-13-BA033

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
106900-565100	CH & S VFD 4 Cent	\$21,000.00	
106900-568100	SM VFD 4 Cent	\$10,000.00	
106900-510001	EMS	\$ 3,000.00	
104800-552001	Conveyance Tax	\$ 5,000.00	
104800-552002	Domestic Violence	\$ 2,000.00	
104800-552004	Floodplain Mapping	\$ 3,000.00	
104100-501000	Board Salaries	\$ 6,000.00	
104100-557000	Miscellaneous		\$6,000.00

Revenues:

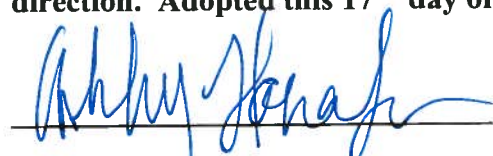
10301450-400012	Ad Valorem Tax	\$34,000.00
10340480-435602	R/D Recording	\$10,000.00

Increase in revenue collected.

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

Balance in Contingency \$29,098.00.

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 June, 2013.



Clerk to Board of Commissioners



Chairman, Board of Commissioners

D. Tax Refunds Pickups, & Releases

Page 1

CAMDEN COUNTY

REFUNDS OVER \$100.00

Refunds to be Issued by Finance Office

ACS Tax System 5/22/13 9:42:16	Refunds 259.20 259.20 259.20 125.60 246.60	Remit To: MIDYETTE, LOTTIE 1165 PARSONAGE STREET ELIZABETH CITY NC 27909 MIDYETTE, LOTTIE 1165 PARSONAGE STREET ELIZABETH CITY NC 27909 MIDYETTE, LOTTIE 1165 PARSONAGE STREET ELIZABETH CITY NC 27909 MIDYETTE, LOTTIE 1165 PARSONAGE STREET ELIZABETH CITY NC 27909 WELLS FARGO REAL ESTATE TAX SE ATTN: REFUNDS/ 1 HOME CAMPUS DES MOINES IA 503230001	Reference: 2008 R 02-8934-03-43-6895.0000 20130522 99 197256 corrected lot size 2009 R 02-8934-03-43-6895.0000 20130522 99 197259 corrected lot size 2010 R 02-8934-03-43-6895.0000 20130522 99 197260 corrected lot size 2011 R 02-8934-03-43-6895.0000 20130522 99 197261 corrected lot size 2009 R 01-7998-01-19-4978.0000 20130514 1 197015 overpayment Leroy McCoy	Drawer/Transaction Info: 2008 R 02-8934-03-43-6895.0000 20130522 99 197256 corrected lot size 2009 R 02-8934-03-43-6895.0000 20130522 99 197259 corrected lot size 2010 R 02-8934-03-43-6895.0000 20130522 99 197260 corrected lot size 2011 R 02-8934-03-43-6895.0000 20130522 99 197261 corrected lot size 2009 R 01-7998-01-19-4978.0000 20130514 1 197015 overpayment Leroy McCoy
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1,159.88 Total Refunds

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SUBMITTED BY Lisa S. Anderson DATE 5.22.13
 Lisa S. Anderson, Tax Administrator Camden Co.

APPROVED BY Garry W. Meigs DATE _____
 Garry Meigs, Chairman of Board of Comm. Camden Co.

E. Results of surplus sold on GovDeals

F. Resolution No 2013-06-03; Supporting Alternative Method of Recognition for Veterans Status to Merchant Marine Seaman of WWII

BOARD OF COMMISSIONERS

GARRY W. MEIGGS
Chairman

P. MICHAEL MCLAIN
Vice Chairman

SAHDRA J. DUCKWALL
CLAYTON D. RIGGS
RANDY KRAHNAK



MICHAEL RENSHAW
County Manager

ASHLEY HONAKER
Clerk to the Board

JOHN S. MORRISON
County Attorney

Resolution No 2009-04-03

A RESOLUTION OF THE CAMDEN COUNTY BOARD OF COMMISSIONERS
SUPPORTING AN ALTERNATIVE METHOD OF RECOGNITION FOR VETERANS
STATUSES TO MERCHANT MARINE SEAMEN OF WWII

WHEREAS, Public Laws 95-202 and 105-368 bestowed veteran status on US Merchant Marine Seamen of WWII, and

WHEREAS, two specific U.S. government actions by US government have caused some 10,000 merchant seamen to have been denied their due recognition:

- (1) The USCG relieving Masters of tugs, towboats and seagoing barges of the responsibility submitting reports of seamen shipped and discharged and
- (2) The National Maritime Administration ordered ship's logbooks to be destroyed because they were too costly to maintain had removed the two main criteria required by the government to issue official recognition to those seamen, and

WHEREAS, the average age of the remaining seamen is above 86 and the population of the US veteran is shrinking at an average of 850 per year causing time to be of the essence, and

WHEREAS, No costs are associated with this proposal as funds are already included in above public laws.

WHEREAS, this Camden County Board of Commissioners therefore request that immediate action be taken to correct this inconceivable action.

NOW, THEREFORE, BE IT RESOLVED, That the Camden County Board of Commissioners supports the attached proposal and so orders that this Resolution and attached proposal be sent to Senator Kay Hagan, Senator Richard Burr, Congressman Walter B. Jones and Congressman G. K. Butterfield and this matter be placed into action to ensure expedient passage.

Adopted this __ day of June 2013

Garry Meiggs, Chairman
Camden County

ATTEST:

Ashley Honaker
Clerk to the Board

(SEAL)

G. Set Public Hearing; Stormwater Utility Fees
Commissioner's Report

Commissioner Duckwall stated that she went to walk to track at the Community Park and noticed the new exercise equipment placed along the track for interval training. It looked great.

County Managers Report

The Camden County Public Library will hold a soft opening on Monday, July 1, 2013.

Any other Questions or comments?

Commissioner Krainiak asked what needed to be done to have the Rec Center moved from a number 3 priority to a number 1 or 2.

Vice Chairman McLain asked the County Manager if the new head librarian could attend the July 1, 2013 Board meeting. Mr. Renshaw replied YES.

Commissioner Duckwall asked what the Library hours would be. Mr. Renshaw stated Monday through Thursday, 11:00am to 7:00pm, and Friday and Saturday 11:00am to 5:00pm.

Meeting Adjourned

At 7:54pm, Chairman Garry Meiggs asked if there were any other matters to come before the Board of Commissioners, hearing none, she declared the meeting adjourned.

Garry W. Meiggs

Chairman Garry Meiggs
Camden County Board of Commissioners

ATTEST:

Ashley Honaker

Ashley Honaker
Clerk to the Board



