



CAMDENCOUNTY

new energy. new vision.

**BOARD
OF
COMMISSIONERS**

July 18, 2016

7:00 PM

Regular Meeting

**Historic Courtroom
Courthouse Complex**

This agenda is only a tentative schedule of matters the Commissioners may address at their meeting and all items found on it may be deleted, amended or deferred. The Commissioners may also, in their absolute discretion, consider matters not shown on this agenda.

Special accommodations for the disabled who attend public meetings can be made by contacting the Clerk to the Board 24 hours in advance at 252-338-6363, Ext. 100.

Please turn Cell Phone ringers off during the meeting.

Agenda

**Camden County Board of Commissioners
BOC - Regular Meeting
July 18, 2016
7:00 PM
Historic Courtroom, Courthouse Complex**

Welcome & Call to Order

Invocation & Pledge of Allegiance

Commissioner Tom White

ITEM 1. Public Comments

It is requested that comments be limited to (2-3) minutes. The length and number of comments may be limited upon the Chairman's discretion due to scheduling and other issues.

ITEM 2. Consideration of Agenda (For discussion and possible action)

ITEM 3. Presentations (For discussion and possible action)

ITEM 4. Old Business (For discussion and possible action)

A. Camden Community Park Lighting Project Bids

ITEM 5. Public Hearings

A. Public Hearing - Ordinance No. 2016-06-03 Proposed Amendments to Code of Ordinances

B. Public Hearing - Ordinance 2016-06-02 Rezoning Application Lindsey W. Hewitt

ITEM 6. New Business (For discussion and possible action)

A. Mixed Beverage Election

ITEM 7. Board Appointments (For discussion and possible action)

- A. Parks and Recreation Advisory Board
- B. Tourism Development Authority
- C. Adult Care Home Community Advisory Committee

ITEM 8. Consent Agenda

- A. BOC Draft Minutes June 6Th, 2016
- B. BOC Draft Minutes June13th, 2016
- C. BOC Draft Minutes June20th, 2016
- D. BOC Draft Minutes July 5Th, 2016
- E. Refunds Over \$100.00
- F. Refunds Over \$100.00
- G. DMV Monthly Report
- H. Tax Collection Report - June
- I. Volunteer Applications

ITEM 9. Commissioners' Report

ITEM 10. County Manager's Report

Recess to South Camden Water & Sewer District Board of Directors Meeting

Reconvene Commissioners' Meeting

ITEM 11. Information, Reports & Minutes From Other Agencies

- A. 2016-2017 Final State Budget Summary
- B. Register of Deeds Monthly Report
- C. NCACC Review of 2016 Short Session
- D. Resolution Opposing House Bill 763: an Act To protect North Carolina's Military Foot Print

ITEM 12. Other Matters (For discussion and possible action)

ITEM 13. Adjourn



Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Old Business

Item Number: 4.A

Meeting Date: July 18, 2016

Submitted By: Tim White, Parks & Recreation Director
Parks & Recreation
Prepared by: Tim White

Item Title **Camden Community Park Lighting Project Bids**

Attachments: 2016 CCP Lighting project bids (Albritton, Torrence
& Techline) (PDF)

Summary: We have received three bids to light additional fields at the community park.

Recommendation: Select one of these contractors.

AGG Albritton Construction Incorporated

P.O. Box 609
Grifton, NC 28530

NC GC license # 53996
NC Elec. License # 4114U

Phone: 252-746-9383
Fax: 252-746-9380

Proposal

Date: 5/26/16
To: Tim White
RE: Camden Community Park
From: Daniel Albritton

Tim,

Provide labor and equipment to install lighting improvements on the multi-purpose field at Camden Community Park as follows:

- Install (3) 70' mounting height direct bury galvanized steel poles with (12) 1500 watt Hubbell Sports Liter fixtures on each pole.
- One pole will be located in between the two existing poles that light the track and two poles will be located on the opposite side of the field across from the existing poles.
- Existing electrical panel will be utilized to supply power to the three new poles.
- In the event of rock being encountered during the installation there could be an additional charge.

Cost: \$70,662.00 plus tax

Thank You for the opportunity to quote this work.

Sincerely,

Daniel Albritton

Albritton Construction Inc.
3254 NC Hwy 102 East
Ayden, NC 28513

Torrence Sports Lighting, Inc.

14211 Grand Traverse Drive
Charlotte, NC 28278



Quote

Date	Quote #
2/1/2016	5579

Name / Address
Camden County Parks and Recreation Tim White, Recreation Director P.O Box 190 117 North 343 Camden, NC 27921

Rep	Project
MT	Camden Athletic Comp Practice and Bball

Qty	Description	Total
3	<p>Job Name: Camden County Athletic Complex Practice Field and Baseball Fields 4,5, and 6 Sports Lighting Materials Only; Labor provided in a separate quote 30 Foot-Candle Design Photometric lighting Design Numbers A012616TSL1 dated 01-26-16 PRACTICE FIELD 70' Mounting Height; 80' Overall Length Direct Embedded/Burial Steel Pole with 12 GE Powrspot Integral Ballast Sports Lighting Fixtures Including 1500 watt metal halide lamps. We will provide (2) six light angle iron crossarms per pole. Poles P5, P6, and P7</p>	0.00T
6	<p>BASEBALL FIELDS 4, 5, and 6 60' Mounting Height; 70' Overall Length Direct Embedded/Burial Steel Pole with 6 GE Powrspot Integral Ballast Sports Lighting Fixtures Including 1500 watt metal halide lamps. We will provide (1) six light angle iron crossarms per pole. Baseball Field Poles P1, P2, P3, P4, P5, and P6</p>	0.00T
2	<p>Aiming Diagram including submittal books</p> <p>We have included aiming assistance for the lights. We will flag the field and assist with the aiming. We will provide light test and light test results that same evening.</p> <p>Freight Included to Camden, NC</p>	0.00

Prices valid 60 Days from Quote Date

Terms: Net due 30 days from date of invoice

Total

Phone #
704-587-6692

Fax #
704-587-3318

Torrence Sports Lighting, Inc.
14211 Grand Traverse Drive
Charlotte, NC 28278



Quote

Date	Quote #
2/1/2016	5579

Name / Address
Camden County Parks and Recreation Tim White, Recreation Director P.O Box 190 117 North 343 Camden, NC 27921

Rep	Project
MT	Camden Athletic Comp Practice and Bball

Qty	Description	Total
	Poles are rated for Wind Load of 130 MPH for the Camden, NC area Coast Zone.	
	Lump Sum Sale For Camden Athletic Complex Practice Field	46,625.00T
	Lump Sum Sale For Camden Athletic Complex Fields 4, 5, and 6	44,653.00T
	Sales Tax Not Included	0.00

Prices valid 60 Days from Quote Date
Terms: Net due 30 days from date of invoice

Total	\$91,278.00
--------------	--------------------

Phone #
704-587-6692

Fax #
704-587-3318



239 US 64 Highway - PO Box 1454 Rutherfordton NC 28139
Office (828) 287-7971 - Fax (828) 287-2668

Date: February 1, 2016

Project Name: Camden Athletic Complex Practice Field and Baseball Fields 4, 5, 6

Jobsite Location: 125 Noblit Drive
Camden, NC 27921

Proposal: Camden County Parks and Recreation Department
Mr. Tim White, Director

From: Jason Camp, Vice President
Camp Electrical Company NC Electrical License Number: 6864-U

Contract price to install sports lighting package for Camden Athletic Complex Practice Field and Baseball Fields 5, 6, 7. Please note poles and lights and mounting crossarms price not included in this price and to be furnished by Torrence Sports Lighting, Inc.

Scope of Work for Lighting the Practice Field

- Unload and install (3) 70' Mounting Height Galvanized Steel Sports Lighting Poles and Galvanized Steel Crossarms. Sports Lighting Poles will be 70' Mounting Height and 80' Overall Length Steel Poles. Fixture Counts per Torrence Sports Lighting, Inc Design Number A012616TSL1 dated 01-26-16. Each pole to have (12) GE Powerspot Sports Lighting Fixtures to match the other sports lighting fixtures currently installed at this complex.
 - We will re-aim the 6 existing fixtures on Pole P6 and Pole P7.
 - We will aim off new sports lighting fixtures per aiming diagrams provided by Torrence Sports Lighting.
 - Excavation of all pole base holes.
 - Excavation of rock is not included in price.
 - We will run all new conduit and wire for the three new poles over to the existing 225amp panel that was installed for this practice field back in 2008.
 - If rock is encountered we will notify all parties and work will stop until an agreement on cost is reached.
 - Install conduit with copper conductors to each pole using trenched ditches.
 - All ditches will be backfilled and tamped
 - Provide all equipment necessary to receive, assemble and erect new sports lighting poles.
 - Aim and test all new lighting.
 - Provide owner training once final inspections are complete.
- Cost: \$36,000.00

Scope of Work for Lighting the Baseball Fields 4, 5, and 6

- Unload and install (6) 60' Mounting Height Galvanized Steel Sports Lighting Poles and Galvanized Steel Crossarms. Sports Lighting Poles will be 60' Mounting Height and 70' Overall Length Steel Poles. Fixture Counts per Torrence Sports Lighting, Inc Design Number A012616TSL1 dated 01-26-16. There are (36) GE Powerspot Sports Lighting Fixtures to match the other sports lighting fixtures currently installed at this complex.
- We will aim off new sports lighting fixtures per aiming diagrams provided by Torrence Sports Lighting.
- Excavation of all pole base holes.
- Excavation of rock is not included in price.
- We will run all new conduit and wire to a new panel installed on a steel structure located within 30 feet of these fields.
- It will be the responsibility of the power company to bring power to new panel.

● Page 2

July 13, 2016

- If rock is encountered we will notify all parties and work will stop until an agreement on cost is reached.
 - Install conduit with copper conductors to each pole using trenched ditches.
 - All ditches will be backfilled and tamped
 - Provide all equipment necessary to receive, assemble and erect new sports lighting poles.
 - Aim and test all new lighting.
 - Provide owner training once final inspections are complete.
- Total Cost: \$76,500.00

Please note we have broken out the two jobs as separate quotes. If they cannot be completed at the same time the second project completed will cost more due to having to re-mobilize all equipment and men.

Adder Price Number One: If Camden County requires a set of electrical stamped drawings to pull the electrical permit please add \$3,500.00 to the total cost price.

Thank you for the opportunity to work with the Camden County on this project.

Jason Camp
Vice President



15303 Storm Drive • Austin, Texas 78734
(800) 500-3161 • www.sportlighting.com

Camden County Parks & Recreation

Camden, NC

300' X 175' Practice Field

30 FC Avg Maintained Light Level

Includes Standard 10 Year Warranty

Quantity	Description
4	60 Foot Mounting Height Steel Poles
4	8 Fixture Crossarms
32	1500 Watt Metal Halide Integral Ballast Luminares
32	Standard Lenses
32	1500 watt metal halide lamps
4	Prewiring for Poles and Integral Ballast Crossarms

Total Turnkey Install = \$124,900.00

- Notes:
- * Price includes poles, prewired crossarms and light fixtures.
 - * Price firm for 60 days.
 - * Allow 5-6 weeks for delivery and 3-4 weeks for installation.
 - * Turnkey installation includes:
 - Installing main distribution panel, breakers, contactors and switching based on 480 volt three phase service being available within 150' of field.
 - Install individual conduit and wiring for each pole sized accordingly. No more than 3% voltage drop shall be allowed.
 - All wiring to be copper type THHN.
 - Includes all permits, fees and inspections associated with the project.
 - All electrical installation to meet National Electric Code requirements.
 - * Standard turnkey and partial install foundations assume 2000 psi soil conditions. Any other conditions that may be present upon installation (i.e. rock, water, etc.) that cause additional foundation design or modification (i.e. rebar, casing, etc.) may require additional charges.
 - * Pole locations must also be accessible and not obstructed by fencing, buildings, etc.
 - * Price above does not include SALES or USE taxes.
 - * A tax exemption certificate must be filed with Techline if applicable.
 - * All work to be performed that requires a license, including but not limited to electrical & plumbing will be performed by individuals currently licensed in the proper jurisdiction. All proposals are based in bids by licensed individuals anticipated to perform the work.

"The Official Sports Lighting Provider of the NAIA"



5/17/2016



CAMDENCOUNTY

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Board of Commissioners AGENDA ITEM SUMMARY SHEET

Public Hearings

Item Number: 5.A
Meeting Date: July 18, 2016

Submitted By: Angela Wooten, Clerk to the Board
 Administration
 Prepared by: Angela Wooten

Item Title **Public Hearing - Ordinance No. 2016-06-03 Proposed Amendments to Code of Ordinances**

Attachments: Ordinance 2016-06-03 Proposed Amendments (PDF)

Summary:

Open Space Subdivisions allows for lots as small as 20,000, 15,000, and 10,000 sf under certain condition with the availability of water and sewer with the preservation of 50% of the land as open space. However, it does not allow for smaller setbacks and if you have a lot that is 100' wide and 200' (20,00) deep, current setbacks (50' front and 25' side, rear, and vehicular) would limit an owner to a dwelling width of only 50'. Per County Attorney's letter (attached), since the ordinance allows for smaller lot sizes in exchange for larger open space it would seem that setbacks would be diminished as well.

Proposed amendment went to the Planning Board on June 15, 2016 and after discussion with Planning staff, the Ordinance was recommended for approval on a 5-0 vote.

Recommendation:

After public hearing, recommend amending agenda for consideration.

CAMDEN COUNTY BOARD OF COMMISSIONERS AGENDA ITEM SUMMARY SHEET

MOTION MADE BY:	
M. McLain	_____
S. Duckwall	_____
G. Meiggs	_____
T. White	_____
C. Riggs	_____
NO MOTION	_____
VOTE:	
M. McLain	_____
S. Duckwall	_____
G. Meiggs	_____
T. White	_____
C. Riggs	_____
ABSENT	_____
RECUSED	_____

Item Number:
Meeting Date: July 5, 2016
Attachments: 3 (6 Pages) Ordinance 2016-06-03
Submitted by: Planning Department

ITEM TITLE: Set Public Hearing: Ordinance No. 2016-06-03 - Proposed amendments to Chapter 151 (Unified Development Ordinance) of the Camden County Code of Ordinances

SUMMARY:

Open Space Subdivisions allows for lots as small as 20,000, 15,000, and 10,000 sf under certain condition with the availability of water and sewer with the preservation of 50% of the land as open space. However, it does not allow for smaller setbacks and if you have a lot that is 100' wide and 200' (20,00) deep, current setbacks (50' front and 25' side, rear, and vehicular) would limit an owner to a dwelling width of only 50'. Per County Attorney's letter (attached), since the ordinance allows for smaller lot sizes in exchange for larger open space it would seem that setbacks would be diminished as well.

Proposed amendment went to the Planning Board on June 15, 2016 and after discussion with Planning staff, the Ordinance was recommended for approval on a 5-0 vote.

RECOMMENDATION:

Set Public Hearing for July 18, 2016

Ordinance No. 2016-06-03**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 Chapter 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 Chapter 151 as amended of the Camden County Code which shall read as follows:**CHAPTER 151: UNIFIED DEVELOPMENT****COMMON OPEN SPACE SUBDIVISIONS****§ 151.291 APPLICABILITY AND LOT SIZES.**

(A) In any single-family residential subdivision, a developer may create open space subdivision lots that have or contain the minimum lot sizes as specified below, subject to Health Department approval, if the developer complies with the provisions of this subchapter.

(1) 20,000 square feet minimum, if there is no centralized water or sewer available to all of the lots;

(2) 15,000 square feet minimum, if there is either centralized water or centralized sewer available to all lots; or

(3) 10,000 square feet minimum, if there is both centralized water and centralized sewer available to all lots.

(B) The intent of this section is to authorize the developer to decrease lot sizes and leave the land "saved" by so doing as open space, thereby lowering development costs and increasing the amenity of the project without increasing the density beyond what would be permissible if the land were subdivided into lots using conventional subdivision standards as provided in §§ 151.060 through 151.068.

(C) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

OPEN SPACE. Those areas, as defined in §§ 151.195 through 151.200, except that subsurface waste water disposal fields and subsurface septic tanks, may, at the discretion of the Board of Commissioners, be counted as open space.

(D) ~~All setbacks, building height and lot coverage standards established in §§ 151.060 through 151.068 for development on lots, shall apply in common open space subdivisions.~~
Setbacks for Open Space Subdivisions shall be no less than 25 feet front/rear structural, 10 feet side structural, and 5 feet vehicular setback.

(E) (1) Previously approved subdivisions having valid sketch plan approval, may, at the discretion of the Board of Commissioners, request to develop the property in accordance with the common open space provisions at the density originally approved.

(2) Density bonuses shall not apply to subdivisions where the number of lots originally approved exceed current county density requirements.

Adopted by the Board of Commissioners for the County of Camden this day of July, 2016.

County of Camden

P. Michael McLain, Chairman
Board of Commissioners

ATTEST:

Angie Wooten
Clerk to the Board

The Twiford Law Firm, P.C.

Russell E. Twiford (Retired)
John S. Morrison
Edward A. O'Neal
H.P. Williams, Jr.
R. Mark Warren
David R. Pureza
Morey A. Everett
Courtney S. Hull
Megan E. Morgan

Attorneys At Law
P.O. Box 669
111 Currituck Commercial Drive
Moyock, North Carolina 27958-0669
Telephone (252) 435-2811
Telecopier (252) 435-9974

Elizabeth City Office
203 North Road Street
Elizabeth City, NC 27907-0099
Telephone (252) 338-4151
Telecopier (252) 338-8546

LOOK AT OUR WEBSITE:
www.twifordlaw.com

Please Respond To:
Moyock

June 9, 2016

Dan Porter
VIA EMAIL

RE: Setbacks, Requirements, and Common Open Space Subdivisions

Dear Dan,

Thank you for your inquiry of June 7th. I reviewed your email together with the quoted statutes as well as conducting my own research on statutory "ordinance" construction.

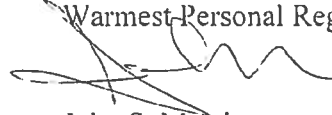
Unless a statute is vague, ambiguous, or illegal in part, the rules of statutory construction require the words of the statute must be given their common, every day meaning. Moreover, courts cannot add to or detract from a statute as written absent those qualifications recited above. Unfortunately, the law is clear that based upon the separation of powers doctrine, a judicial body cannot save a legislative body from the embarrassment of a non-senseical statute.

Here, it was clearly the intention of the Board of Commissioners to allow for smaller lots in return for larger open space which is a significant amenity. Moreover, it is my understanding there is much planning merit in having smaller lots which are easier for the county to service. As we discussed, if lots are allowed to be smaller, in this case as much as a quarter of an acre compared to an acre, it would seem setback requirements should be proportionally diminished as well. As you pointed out, if the existing 25-foot setback requirements apply on a 10,000 square foot lot, the house could be no more than 30 feet wide.

Nevertheless, despite the expression of intention, Section D provides that the setbacks are uniform for all residential subdivision construction. This is not ambiguous or vague or illegal. It may be unwise; it may be a mistake or an oversight. That does not allow us to interpret it in a way which is entirely inconsistent with the clear language of the ordinance. Therefore, it appears to me the only remedy is to bring this to the attention of the Board with specific setback recommendations for 20,000 square feet, 15,000 square feet, and 10,000 square feet lots. Not being a planner, I have no opinion as to what those should be.

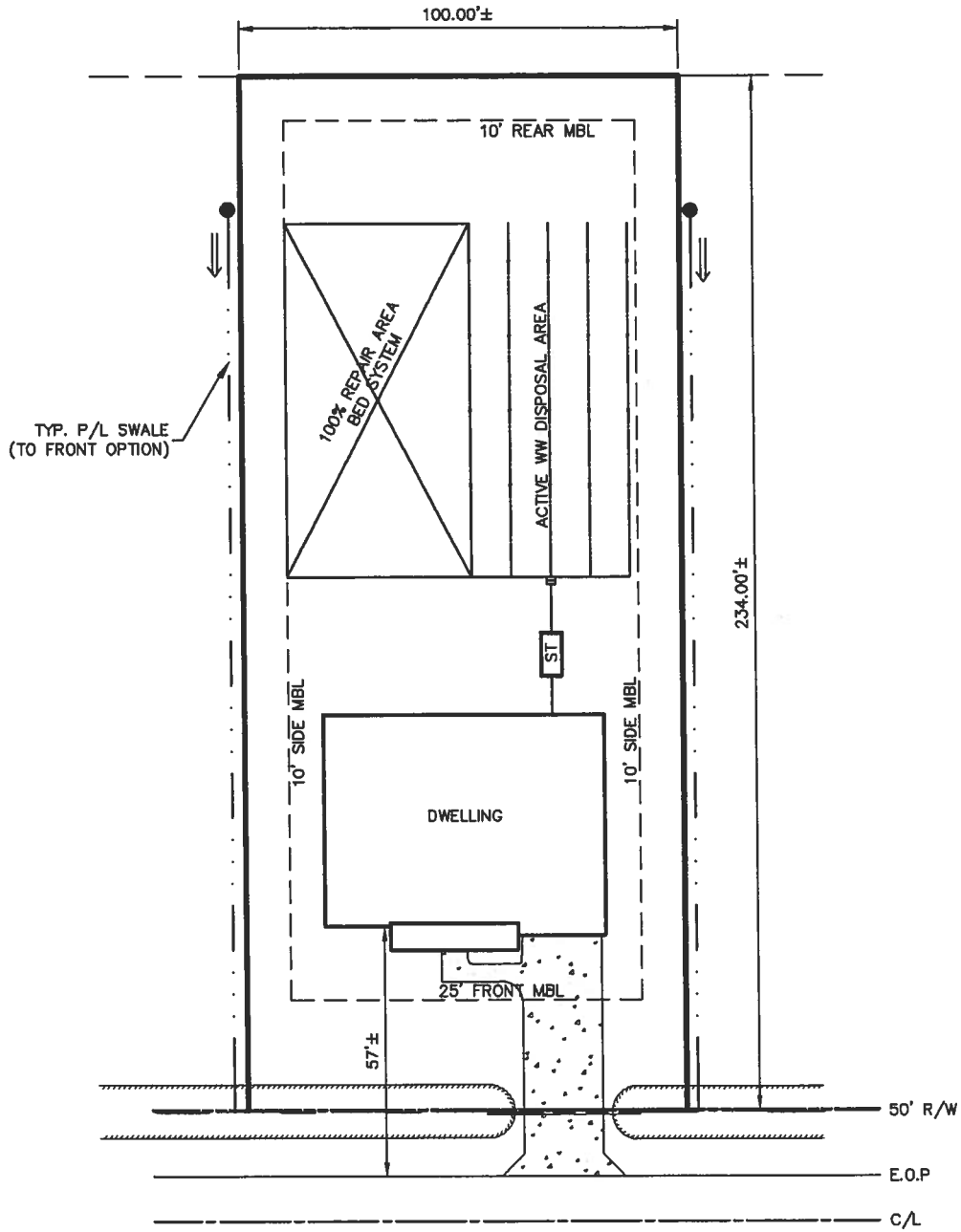
I will be most pleased to assist you further should you so desire. I commend you for discovering this logically inconsistent setback requirement and discussing it with legal counsel.

Warmest Personal Regards,



John S. Morrison

JSM:jlh



DATE DRAWN: 6-7-16
DATE REVISED:

CONCEPTUAL LOT DEVELOPMENT PLAN

EXAMPLE RECTANGULAR LOT - TYP,

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DRAWN BY: DMK
DWG-NO: 457500SW3
SCALE: 1"=40'
REVIEWED BY: NDM
APPROVED BY:
DESIGN BY: BPG
PROJECT NO.:



BISSELL PROFESSIONAL GROUP

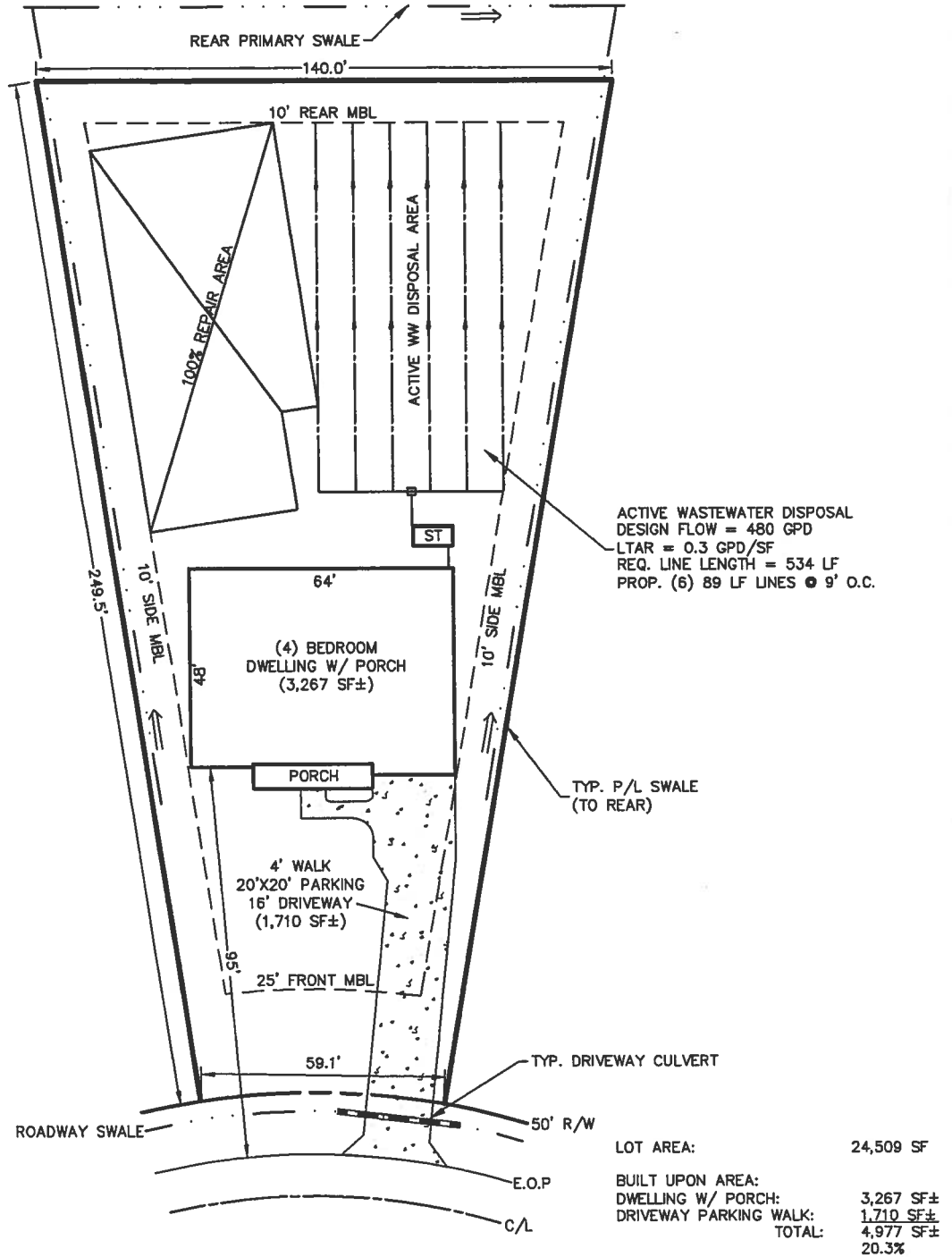
Engineers Planners Surveyors
and Environmental Specialists

Firm License # C-856
3512 NORTH CROATAN HIGHWAY
P.O. BOX 1068 KITTY HAWK, N.C. 27948
(252) 261-3266 FAX (252) 261-1760

PRELIMINARY
DO NOT USE FOR CONSTRUCTION

4575

SHEET: 1 OF 1



DATE DRAWN: 6-7-16
DATE REVISED:

CONCEPTUAL LOT DEVELOPMENT PLAN

EXAMPLE PIE LOT - LOT 7

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DRAWN BY: DMK
DWG-NO: 457500SW3
SCALE: 1"=40'
REVIEWED BY: NDM
APPROVED BY:
DESIGN BY: BPG
PROJECT NO.:
4575



BISSELL PROFESSIONAL GROUP

Engineers Planners Surveyors
and Environmental Specialists

Firm License # C-956
3512 NORTH CROATAN HIGHWAY
P.O. BOX 1068 KITTY HAWK, N.C. 27949
(252) 261-3266 FAX (252) 261-1760

PRELIMINARY
DO NOT USE FOR CONSTRUCTION

SHEET: 1 OF 1



CAMDENCOUNTY

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Board of Commissioners AGENDA ITEM SUMMARY SHEET

Public Hearings

Item Number: 5.B

Meeting Date: July 18, 2016

Submitted By: Angela Wooten, Clerk to the Board
Administration
Prepared by: Angela Wooten

Item Title **Public Hearing - Ordinance 2016-06-02 Rezoning Application
Lindsey W. Hewitt**

Attachments: Ordinance 2016-06-02 UDO 2016-05-05 Rezoning
Hewitt(PDF)

Summary:

Mr. Lindsey Hewitt received permission from Steve Dail to apply to rezone one acre of his 26 acre parcel of land off Spence Lane in South Mills Township from General Use District (GUD) to Basic Residential (R3-1). Staff presented the rezoning request to the Planning Board on June 15, 2016 with the applicant present and after discussion by all parties, Planning Board made the following motions:

(1) Consistency Statement: Motion was made that the requested zoning change was inconsistent with CAMA Land Use Plan as it was considered spot zoning which benefits the applicant only and is not part of an overall zoning plan that would benefit County as a whole. Also it is inconsistent with Camden County's Comprehensive Plan as future land use maps has land designated as Rural Preservation with a minimum lot size of 5 acres. Motion passed on a 5-0 vote.

(2) Recommendation: Motion was made to recommend approval of rezoning 1 acre of 26 acres from General Use District (GUD) to Basic Residential (R3-1). Motion passed on a 4-1 vote.



Recommendation:

After public hearing, recommend amending agenda for consideration;

1) Consistency or inconsistency statement with adopted plans (CAMA Land Use and Comprehensive Plan):

2) Approval or denial of Ordinance 2016-06-02

Camden County Board of Commissioners AGENDA ITEM SUMMARY SHEET

MOTION MADE BY:	
M. McLain	_____
S. Duckwall	_____
G. Meiggs	_____
T. White	_____
C. Riggs	_____
NO MOTION	_____

VOTE:	
M. McLain	_____
S. Duckwall	_____
G. Meiggs	_____
T. White	_____
C. Riggs	_____
ABSENT	_____
RECUSED	_____

Item Number:

Meeting Date: July 5, 2016
Attachments: Ordinance/Findings/Planning Board Recommendation
Submitted By: Planning Department

ITEM TITLE: Set Public hearing - Ordinance 2016-06-02; Rezoning Application (UDO 2016-05-05) Linsey W. Hewitt

SUMMARY:

Mr. Linsey Hewitt received permission from Steve Dail to apply to rezone one acre of his 26 acre parcel of land off Spence Lane in South Mills Township from General Use District (GUD) to Basic Residential (R3-1). Staff presented the rezoning request to the Planning Board on June 15, 2016 with the applicant present and after discussion by all parties, Planning Board made the following motions:

- (1) **Consistency Statement:** Motion was made that the requested zoning change was inconsistent with CAMA Land Use Plan as it was considered spot zoning which benefits the applicant only and is not part of an overall zoning plan that would benefit County as a whole. Also it is inconsistent with Camden County’s Comprehensive Plan as future land use maps as land designated as Rural Preservation with a minimum lot size of 5 acres. Motion passed on a 5-0 vote.
- (2) **Recommendation:** Motion was made to recommend approval of rezoning 1 acre of 26 acres from General Use District (GUD) to Basic Residential (R3-1). Motion passed on a 4-1 vote

RECOMMENDATION:

Set public hearing for July 18, 2016

Ordinance No. 2016-06-02

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

Article I: Purpose

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

Article II. Amendment to Zoning Map

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

The property currently shown in the Camden County Tax Assessor's Office as PIN 01-7989-00-36-1006, on acre as indicated in hereby re-zoned from General Use District (GUD) to Basic Residential (R3-1).

Article III. Penalty

1. Violations of the provision of this Ordinance or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with grants of variances or Special Use or Conditional Use Permits, shall constitute a misdemeanor, punishable by a fine of up to five-hundred (\$500) dollars or a maximum thirty (30) days imprisonment as provided in G. S. 14-4.
2. Any act constituting a violation of the provisions of this Ordinance or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or Special Use or Conditional Use Permits, shall also subject the offender to a civil penalty of one-hundred (\$100) dollars for each day the violation continues. If the offender fails to pay the penalty within ten (10) days after being cited for a violation, the penalty may be recovered by the county in a civil action in the nature of debt. A civil penalty may not be appealed to the Board of Adjustment if the offender was sent a final notice of violation in accordance with Article 151.568 and did not take an appeal to the Board of Adjustment within the prescribed time.
3. This Ordinance may also be enforced by any appropriate equitable action.

4. Each day that any violation continues after notification by the administrator that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.
5. Any one, all or any combination of the foregoing penalties and remedies may be used to enforce this Ordinance.

Article IV. Severability

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

Article V. Effective Date

This Ordinance is effective upon adoption.

Adopted by the Board of Commissioners for the County of Camden this day of
2016

County of Camden

P. Michael McLain, Chairman
Camden County Board of Commissioners

ATTEST:

Angie Wooten
Clerk to the Board

(SEAL)

STAFF REPORT**UDO 2016-05-05
Zoning Map Amendment****PROJECT INFORMATION**

File Reference: UDO 2016-05-05
Project Name; N/A
PIN: 01-7989-00-36-1006
Applicant: Linsey W. Hewitt
Address: 575 Old Swamp Rd
 South Mills NC
 27976
Phone: (252) 333-5492
Email:

Agent for Applicant:

Address:
Phone:
Email:

Current Owner of Record: Steve Dail**Meeting Dates:**

6/15/2016 **Planning Board**
 7/5/2016 **Board of Commissioners**

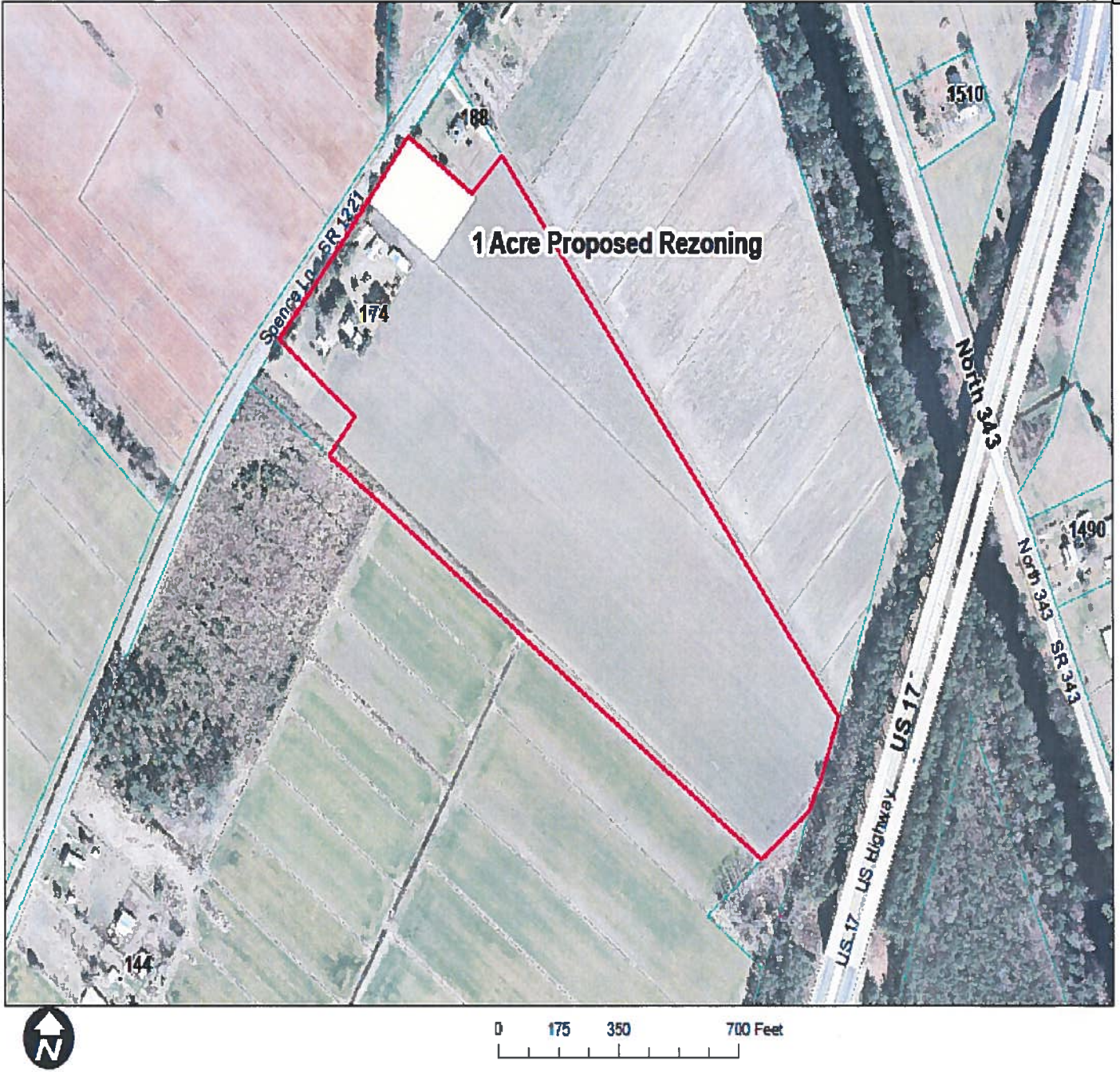
Application Received: 5/9/2016
By: David Parks, Permit Officer

Application Fee paid: \$650 Check #3583**Completeness of Application:** Application is generally complete**Documents received upon filing of application or otherwise included:**

- A. Rezoning Application
- B. Letter from property owner
- C. Aerial of proposed location of rezoning.
- D. GIS Aerial, existing zoning, Comprehensive Plan Future Land Use Map, CAMA Land Use Plan Suitability Maps

PROJECT LOCATION:**Street Address:** Property adjacent to 174 Spence Lane**Location Description:** South Mills Township

Vicinity Map:



REQUEST: Rezone one acre of approximately 26 acres of land

From: General Use District (GUD)

To: Basic Residential (R3-1)

The GUD, general use, district is established to allow opportunities for very low density residential development and bona fide farms, along with agricultural and related agricultural uses (e.g., timber, horticulture, silviculture and aquaculture.)

The R3 Districts are designed to provide for low density residential development in areas that are adjacent to those areas primarily devoted to agriculture. Subdivision in the R3-1 district requires a minimum of one acre per lot.

SITE DATA

Lot size: Approximately 26 acres.
Flood Zone: Zones: X
Zoning District(s): General Use District (GUD)
Existing Land Uses: Farm with house

Adjacent Zoning & Uses:

	North	South	East	West
Zoning	General Use District (GUD)	US 17	Highway Commercial (HC)	Highway Commercial (HC)
Use & size	Farmland w/House	Highway	Farmland w/House	Farmland

Proposed Use(s):

See Attachment "A"

Description of property:

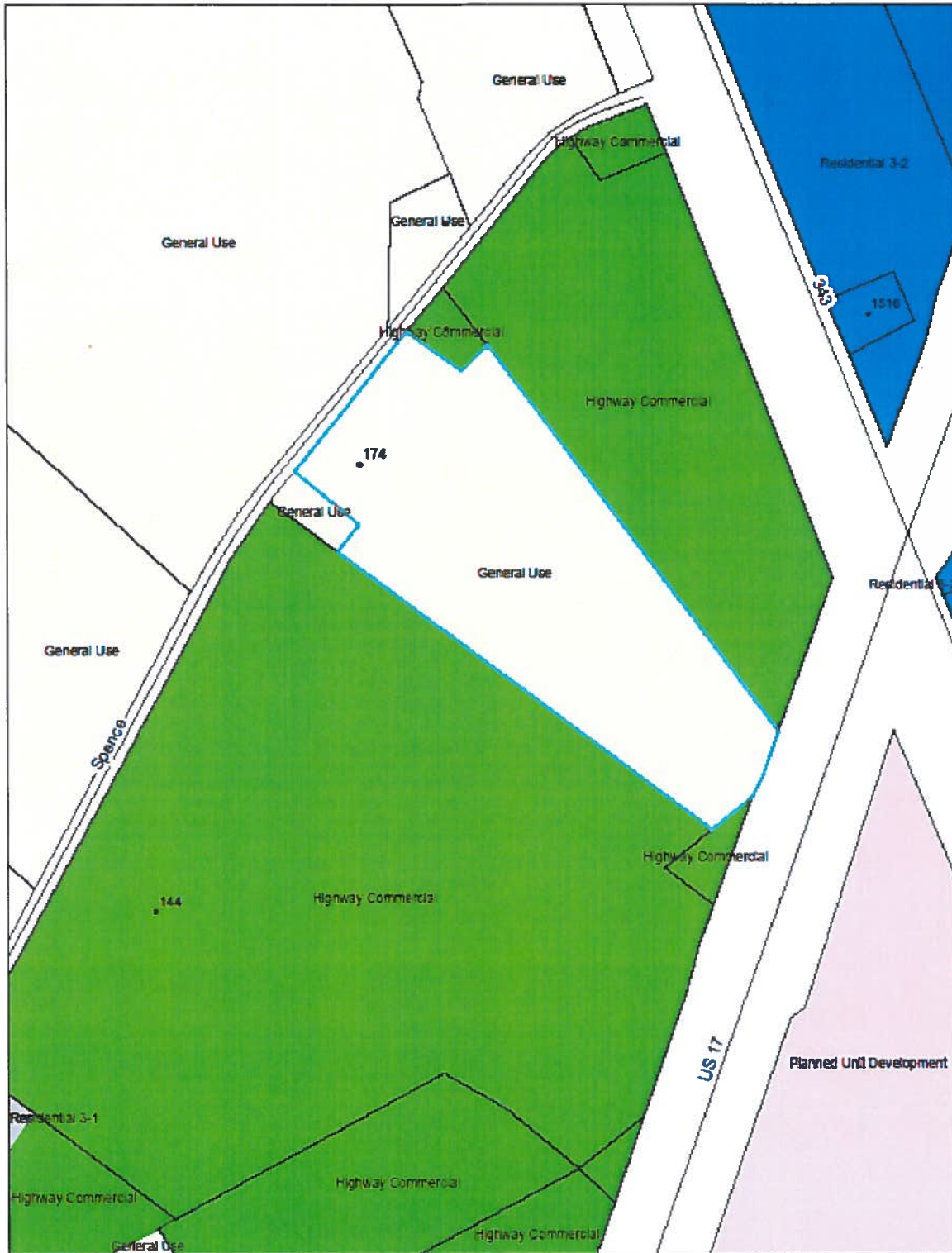
Property abuts Spence Lane and is classified as a Bona Fide Farm. According to the tax card there are three dwellings on property (site built and two manufactured homes).

ENVIRONMENTAL ASSESSMENT

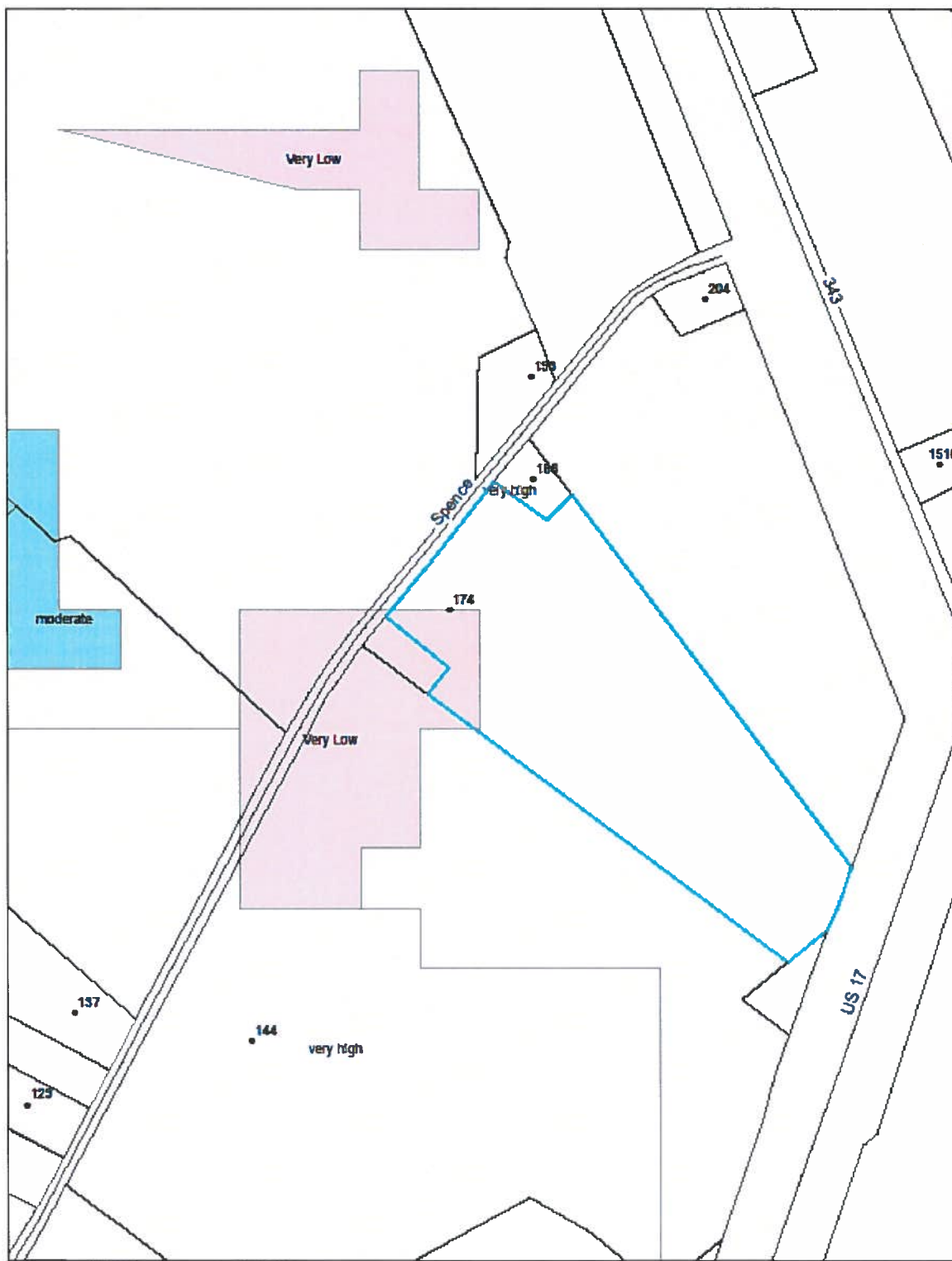
Streams, Creeks, Major Ditches: Dismal Swamp Canal is closest water body.

Distance & description of nearest outfall: Dismal Swamp Canal would be nearest outfall.

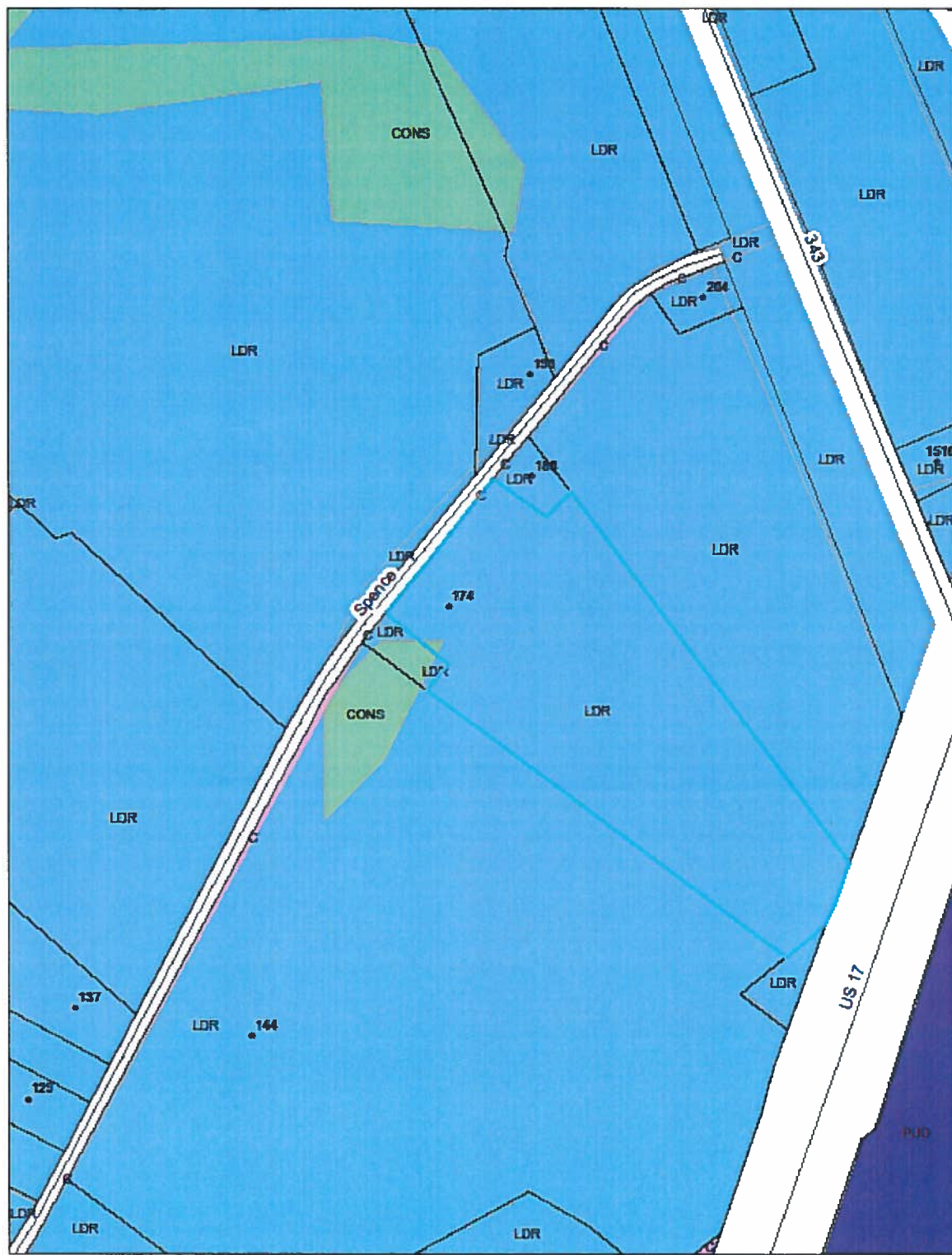
Current Zoning Map



Land Suitability



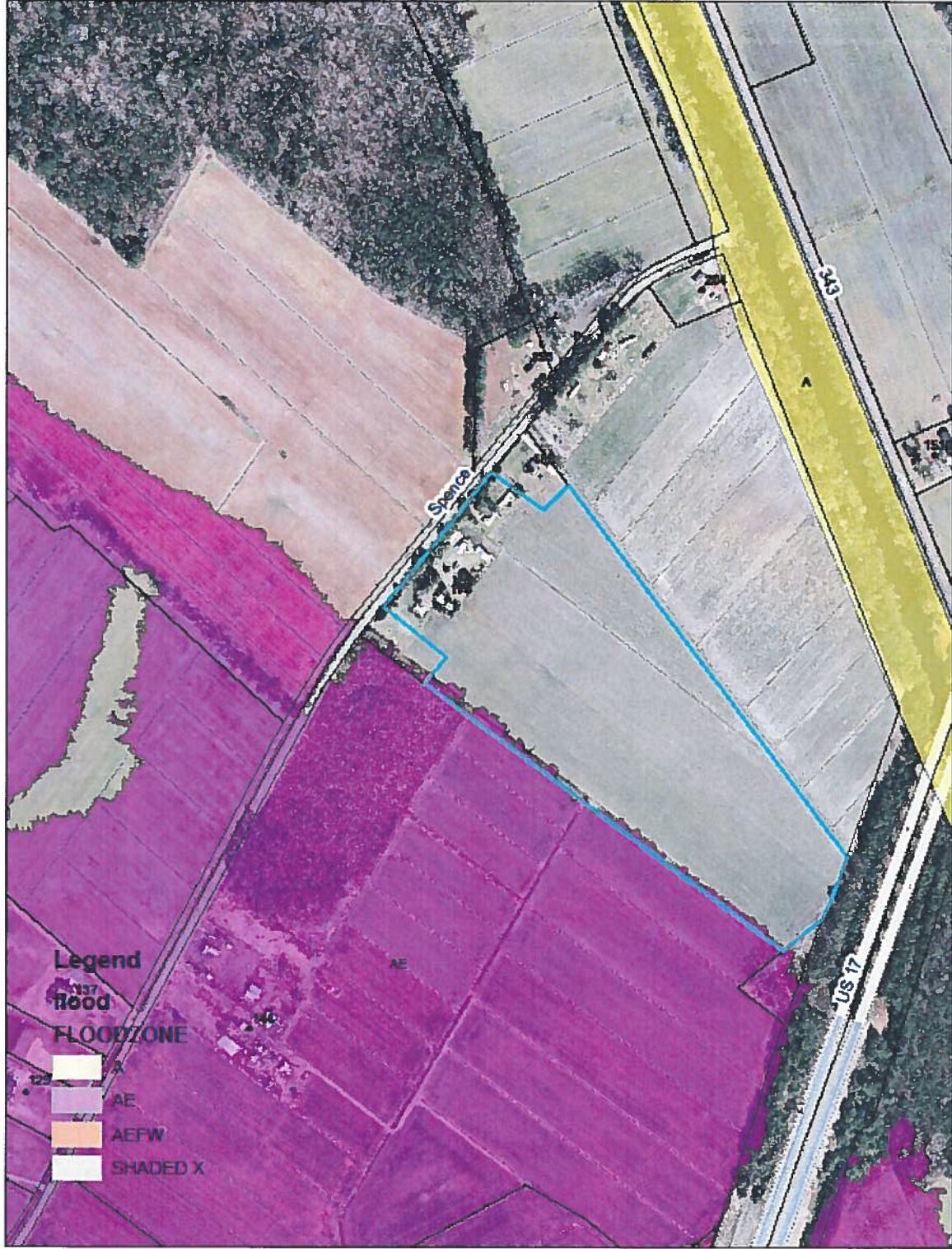
CAMA Future Land Use Map



Comprehensive Plan Future Land Use Map



Floodplain Map



INFRASTRUCTURE & COMMUNITY FACILITIES

Water	Nearest water line located approximately 3800 feet away at Horseshoe Road
Sewer	No sewer available.
Fire District	South Mills Fire District. Station located approximately 2.5 miles from property.
Schools	N/A
Traffic	N/A

PLANS CONSISTENCY**CAMA Land Use Plan Policies & Objectives:**

Consistent Inconsistent

The proposed zoning change is inconsistent with the CAMA Land Use Plan which was adopted by the Camden County Board of Commissioners on April 4, 2005 in that the entire tract is designated as Low Density Residential and that the requested rezoning is classified as spot zoning. **Spot zoning is zoning that benefits the applicant only and is not part of an overall zoning plan that would benefit the County as a whole.** See Attachment "A" which is pages from the Executive Summary of the Advance Core CAMA Land Use Plan that provide a guide when deliberating zoning petitions.

PLANS CONSISTENCY – cont.**2035 Comprehensive Plan**

Consistent Inconsistent

The requested zoning change is Inconsistent with Comprehensive Plan Future Land Use Maps in that area is identified as Rural Preservation. Current Zoning (General Use District) supports the principles of Comprehensive Plan.

Comprehensive Transportation Plan

Consistent Inconsistent

Property abuts Spence Lane (SR 1221)

Other Plans officially adopted by the Board of Commissioners: N/A

FINDINGS REGARDING ADDITIONAL REQUIREMENTS:

Yes No **Will the proposed zoning change enhance the public health, safety or welfare?**

Reasoning:

(1) The proposed zoning change will only enhance the welfare of the applicant and not the general public.

Is the entire range of permitted uses in the requested classification more appropriate than the range of uses in the existing classification?

Reasoning: The permitted uses in the existing classification are more appropriate as they are compatible to what the County's Comprehensive Plan calls for.

Yes No **For proposals to re-zone to non-residential districts along major arterial roads: N/A**

Yes No **Is this an expansion of an adjacent zoning district of the same classification? N/A**

Reasoning:

Yes No **What extraordinary showing of public need or demand is met by this application? N/A**

Reasoning:

Yes No **Will the request , as proposed cause serious noise, odors, light, activity, or unusual disturbances?**

Reasoning: All uses allowed in the requested zoning classification should not cause any serious noise, odors, light activity, or unusual disturbances.

Yes No **Does the request impact any CAMA Areas of Environmental Concern?**

Reasoning: Property is located outside the 100 year Flood Zone.

Yes No **Does the county need more land in the zoning class requested?**

Reasoning: Yes, but not in this area.

Yes No **Is there other land in the county that would be more appropriate for the proposed uses?**

Reasoning: Yes, in those areas indicated on Camden's Comprehensive Plans Future Land Use Map.

Yes No **Will not exceed the county’s ability to provide public facilities:**

Schools – Minimal Impact as this is a single acre lot rezoning.

Fire and Rescue – Minimal impact.

Law Enforcement – Minimal impact.

Parks & Recreation – Minimal impact

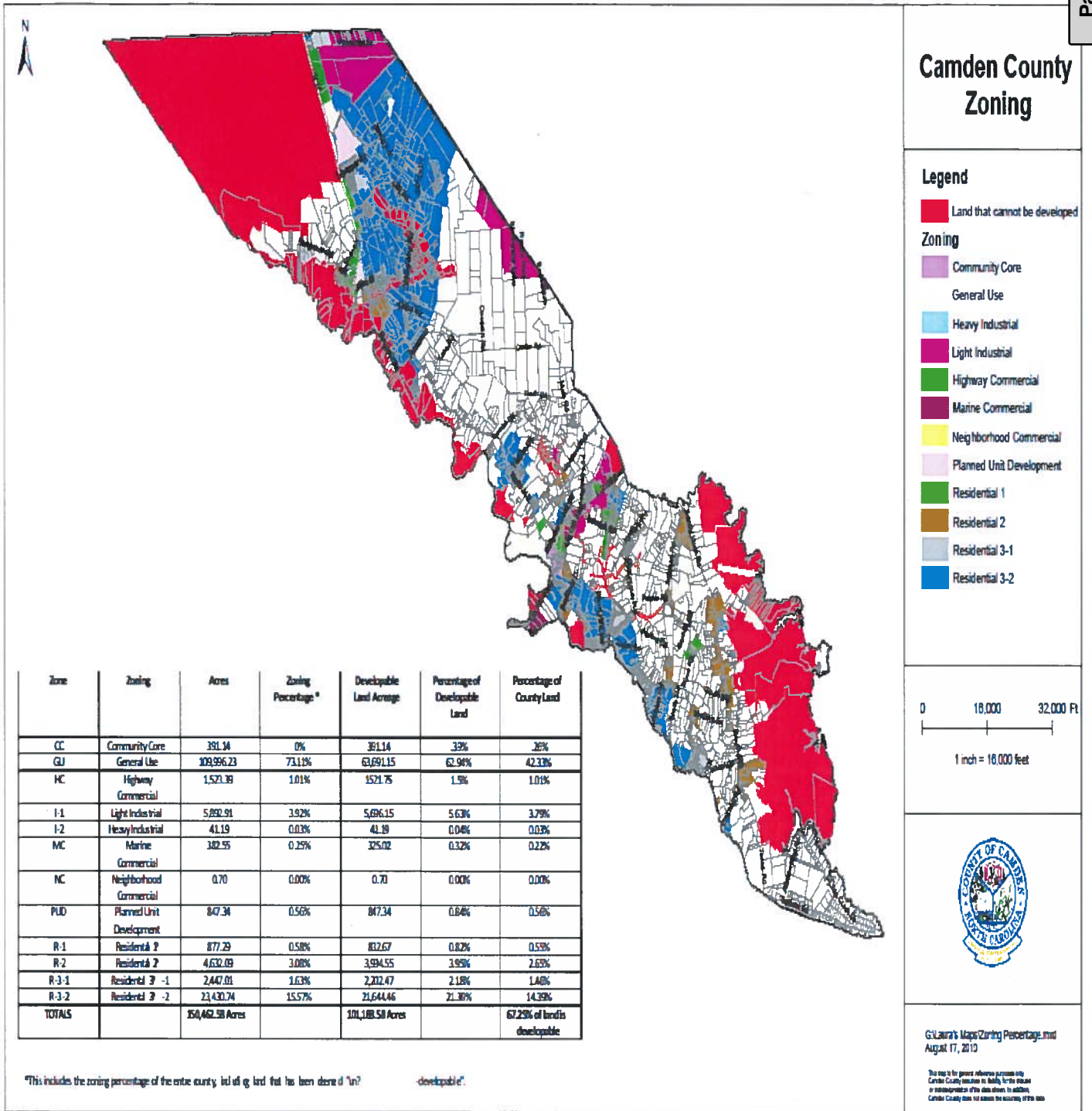
Traffic Circulation or Parking – N/A

Other County Facilities – No.

Yes No **Is This A Small Scale “Spot” Rezoning Request Requiring Evaluation Of Community Benefits?**

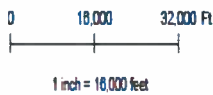
If Yes (regarding small scale spot rezoning) – Applicants Reasoning:

	Personal Benefits/Impact	Community Benefits/Impact
With rezoning	Will allow applicant to subdivide and acre of land that an older singlewide is located.	There are no Community Benefits than that of the applicant. Impact will be not following the adopted plans that were approved based on Community input.
Without rezoning	Applicant will need to locate property that allows Singlewide mobile homes.	The County staying consistent with their adopted plans.



Camden County Zoning

- Legend**
- Land that cannot be developed
 - Zoning**
 - Community Core
 - General Use
 - Heavy Industrial
 - Light Industrial
 - Highway Commercial
 - Marine Commercial
 - Neighborhood Commercial
 - Planned Unit Development
 - Residential 1
 - Residential 2
 - Residential 3-1
 - Residential 3-2



Zone	Zoning	Acres	Zoning Percentage *	Developable Land Acreage	Percentage of Developable Land	Percentage of County Land
CC	Community Core	391.34	0%	391.34	39%	2%
GU	General Use	108,996.23	73.11%	63,691.15	62.94%	42.33%
HC	Highway Commercial	1,521.39	1.01%	1,521.75	1.5%	1.01%
I-1	Light Industrial	5,892.91	3.92%	5,696.15	5.63%	3.79%
I-2	Heavy Industrial	41.19	0.03%	41.19	0.04%	0.03%
MC	Marine Commercial	382.95	0.25%	395.02	0.32%	0.22%
NC	Neighborhood Commercial	0.70	0.00%	0.70	0.00%	0.00%
PUD	Planned Unit Development	847.34	0.56%	847.34	0.84%	0.56%
R-1	Residential 1	877.29	0.58%	832.67	0.82%	0.53%
R-2	Residential 2	4,632.09	3.08%	3,994.55	3.95%	2.65%
R-3-1	Residential 3-1	2,447.01	1.63%	2,202.47	2.18%	1.48%
R-3-2	Residential 3-2	23,430.74	15.57%	21,644.46	21.36%	14.39%
TOTALS		154,462.58 Acres		101,188.58 Acres		67.29% of land is developable

*This includes the zoning percentage of the entire county, but not land that has been deemed "undevelopable".

G:\Laura's Maps\Zoning Percentage.mxd
August 17, 2010

This map is for general reference purposes only. Camden County assumes no liability for the accuracy or misrepresentation of the data shown in this map. Camden County does not warrant the accuracy of this map.

STAFF COMMENTARY:

Mr. Hewitt desires to purchase one acre of land from property owner to replace a singlewide that is located on the 26 acre parcel. Current zoning (GUD) requires any subdivision has a minimum density of 5 acres, whereas Mr. Hewitt only wants to purchase 1 acre.

In 2012 the property was zoned Highway Commercial (HC) and the property owner Mr. Steve Dail petitioned the county to rezone the property to General Use District (GUD) which was consistent with the CAMA Land Use Plan as the future land map had property identified as low density residential. Rezoning was approved in September 2012.

When Staff reviews rezoning requests we utilized both Camden County's CAMA Land Use Plan and the Comprehensive Plan for consistency with each plan. The Comprehensive Plan Future Land Use Maps has this property identified as Rural Preservation with minimum lot sizes of 5 acres.

Attachment "B" is an exert from the Executive Summary of CAMA Land Use Plan which provides a list of questions the Planning Board and Board of Commissioners shall consider during the deliberation of all rezoning requests. A key question is *"does the request raise serious legal question such as spot zoning, hardship, violation of precedents, or the need for this type of zoning"*.

Precedent has been set as a similar rezoning request (UDO 2013-12-12) where applicant wanted to rezone 10 acres of 130 acre tract in Shiloh Township from GUD to R1 was denied as it was inconsistent with the CAMA Land Use Plan as it was consider spot zoning and not part of an overall zoning plan benefiting the community as a whole. (See attachment "C" an exert from BOC Minutes of March 17, 2014)

STAFF RECOMMENDATION:

Based on all information provided, staff is recommending denial of the rezoning request to rezone one acre of the 26 acre parcel as the request is inconsistent with both the CAMA and Comprehensive Land Use Plans as stated above.

PLANNING BOARD RECOMMENDATION:

Consistency Statement: Motion was made that the requested zoning change was inconsistent with CAMA Land Use Plan as it was considered spot zoning which benefits the applicant only and is not part of an overall zoning plan that would benefit County as a whole. Also it is inconsistent with Camden County's Comprehensive Plan as future land use maps as land designated as Rural Preservation with a minimum lot size of 5 acres. Motion passed on a 5-0 vote.

Recommendation: Motion was made to recommend approval of rezoning 1 acre of 26 acres from General Use District (GUD) to Basic Residential (R3-1). Motion passed on a 4-1 vote

**CAMDEN COUNTY, NORTH CAROLINA
TABLE OF PERMISSIBLE USES
(GUD Vs R-3 Zoning Districts)**

USE#	DESCRIPTION	GUD	R-3
1.000	Residential		
1.100	Single Family Detached (One dwelling unit per lot)		
1.111	Site Built	Z	Z
1.111.5	Modular	Z	Z
1.200	Two-Family Residences		
1.300	Multi-Family Residences		
1.400	Homes Emphasizing Special Services, Treatment or Supervision		
1.430	Child Care Homes	S	S
1.500	Miscellaneous rooms for rent situations		
1.520	Bed and Breakfast establishments	Z	
1.550	Hunting and Fishing Lodges	S	
1.600	Temporary Emergency Construction and Repair of Residences	Z	Z
1.700	Home Occupations	Z	Z
2.000	Sales and Rental of Goods, Merchandise and Equipment		
2.100	No storage/display of goods outside fully enclosed structure		
2.200	Storage/Display of Goods Outside Fully Enclosed Allowed		
3.000	Office, Clerical, Research and Services not primarily related to goods or merchandise		
3.100	All operations conducted entirely within fully enclosed building		
3.200	Operation conducted within or outside fully enclosed building		
4.000	Manufacturing, Processing, Creating, Repairing, Renovating, Painting, Cleaning, Assembling of Goods, Merchandise and Equipment, Subject to Hereto		
4.100	All operations conducted entirely within fully enclosed building		
4.110	Majority of dollar volume of business done with walk-in trade	Z	
4.120	Majority of dollar volume business not done with walk-in trade	Z	
5.000	Educational, Cultural, Religious, Philanthropic, Social and Fraternal Uses		
5.100	Schools		
5.110	Elementary and Secondary (including associated grounds, athletic and other facilities)	S	S
5.200	Churches, Synagogues and temples (including associated residential structures for religious personnel)	Z	S
5.300	Libraries, museums, art galleries, art centers and similar uses (including associated educational and instructional activities)		
5.310	Located within a building designed and previously occupied as a residence or within a building having a gross floor area not in excess of 3,500 feet		S
6.000	Recreation, Amusement, Entertainment		
6.100	Activity conducted entirely within a building or substantial structure		
6.200	Activity conducted primarily outside enclosed buildings or structures		
6.210	Privately owned outdoor recreation facilities such as golf and country clubs, etc. (But not including campgrounds), not constructed pursuant to a permit authorizing the construction of some residential development	Z	
6.220	Publicly owned outdoor recreational facilities, such as athletic fields, golf courses, tennis courts, swimming pools, parks, campgrounds, boat ramps and docks, etc. Not constructed pursuant to a permit authorizing the construction of another use (i.e. school)	Z	
6.240	Horseback riding, schooling and boarding facilities provided that when its in a GUD district, a minimum of 10 acres is required (and not constructed pursuant to a permit authorizing a residential development)	Z	
6.250	Automobile and motorcycle racing tracks	S	
6.251	Competitive go-kart/ATV race track	S	
6.270	Private Campgrounds		

**CAMDEN COUNTY, NORTH CAROLINA
TABLE OF PERMISSIBLE USES
(GUD Vs R-3 Zoning Districts)**

USE#	DESCRIPTION	GUD	R-3
6.271	Travel trailers allowed	S	
6.272	Travel trailers prohibited	S	
6.280	Petting Zoo	S	
6.290	Recreational grounds	S	
7.000	Institutional Residences or Care/Confinement facilities		
8.000	Restaurants, Dance Halls, Bars, Night Clubs		
8.100	Restaurants		
9.000	Motor vehicle and boat related sales and service operations		
9.200	Automobile service center	Z	
9.400	Automobile repair shop or body shop provided all wrecked vehicles and parts are visually screened from exterior property lines and right-of-way lines	Z	
10.000	Storage and Parking		
10.200	Storage of goods not related to the sale or use of those goods on same lot where they are stored		
12.000	Service and Enterprises related to animals		
12.100	Veterinarian	Z	
12.200	Kennels	Z	
13.000	Emergency Services		
13.100	Law Enforcement Stations	S	S
13.200	Fire Stations	S	S
13.300	Rescue Squad, Ambulance Service	S	S
13.400	Civil Defense Operations	S	S
14.000	Agricultural, Silvicultural, Mining, and Quarrying Operations		
14.100	Agricultural operations, farming (not exempt as bona-fide farms)		
14.110	Excluding livestock	Z	Z
14.120	Including livestock	Z	
14.200	Silvicultural Operations	Z	Z
14.300	Mining or quarrying operations, including on site sales of products	S	
14.400	Reclamation Landfill	S	
15.000	Miscellaneous Public and Semi-Public Facilities and related uses		
15.100	Post Office	Z	
15.200	Airports and Air Strips		
15.210	County owned and operated airport		S
15.300	Sanitary Landfill, Convenience Centers and related facilities		
15.310	Camden County owned and operated	S	Z
15.600	ABC Stores	Z	
16.000	Dry Cleaner and Laundromat		
17.000	Utility Facilities		
17.100	Neighborhood	Z	S
17.200	Community or Regional	Z	S
17.300	County owned and operated	S	Z
18.000	Wireless Telecommunication Facilities (WTF), Towers, other related structures		
18.100	WTF, antennas, supporting structures, radio or TV towers which are 35 feet or less, and receive only earth stations	Z	Z
18.200	WTF, antennas, support structures and towers of all types that are over 35 feet tall, subject to Article 151.065	S	
18.300	WTF, antennas, support structures and towers of all types that are over 300 feet tall, subject to Article 151.035	S	
18.400	Wind Turbines - Refer to Article 151.347 (T) - Specific Standards		
18.410	Small Turbines	Z	S

**CAMDEN COUNTY, NORTH CAROLINA
TABLE OF PERMISSIBLE USES
(GUD Vs R-3 Zoning Districts)**

USE#	DESCRIPTION	GUD	R-3
18.411	Small Turbines (over 3 systems)	S	
18.420	Large Turbines	S	
19.000	Open Air Markets		
19.100	Farm and craft markets, produce markets not qualifying as an accessory use to use classification 14.100	Z	S
21.000	Cemetery and Crematorium		
21.100	Cemetery not on same property as church	S	S
21.200	Cemetery on same property as church	Z	Z
21.300	Crematorium	S	
22.000	Nursery School, Day Care Centers	Z	
23.000	Temporary Construction and Sales Office	Z	Z
25.000	Commercial Greenhouse, Nursery		
25.100	On-premise sales permitted	Z	
26.000	Special Events	Z	S
27.000	Combination Uses	ZSC	ZSC
28.000	Off-Premises Signs	S	
29.000	Subdivisions		
29.100	Major – Preliminary Plat	S	S
29.200	Minor	Z	Z
29.300	Private Access Subdivision (see 151.260 for Zoning Permit authority when one lot created)		S
31.000	Agribusiness uses	Z	
32.000	Miscellaneous Water Related Uses		
32.100	Boat Ramps		
32.110	Publicly owned	Z	S
32.120	Privately owned, but open to the public on a fee basis	S	
32.200	Marinas not associated with a residential development	Z	
33.000	Adaptive reuse of Historic Property	Z	S
999.99	NOTES TO TABLE:		
9	Z - Zoning Permit Required C - Conditional Use Permit Required S - Special Use Permit Required		
	-The underpinning of a modular home shall be masonry with bricks covering all of the exposed masonry underpinning.		

- Public Access
- Conservation
- Stormwater Control
- Natural Hazard Areas
- Water Quality
- Cultural, Historical, and Scenic Areas

Specifically, in implementing this plan, the Camden County Planning Board and Board of Commissioners will continually do the following:

- Consult the Land Use Plan during the deliberation of all re-zoning requests.
- Consider the following in deliberation of all zoning petitions:
 - Consider the policies and implementing actions of this plan and all applicable CAMA regulations in their decisions regarding land use and development (including 15A NCAC 7H).
 - All uses that are allowed in a zoning district must be considered. A decision to re-zone or not to re-zone a parcel or parcels of property cannot be based on consideration of only one use or a partial list of the uses allowed within a zoning district.
 - Zoning decisions will not be based on aesthetic considerations.
 - * Requests for zoning changes will not be approved if the requested change will result in spot zoning. Spot zoning is a form of discriminatory zoning whose sole purpose is to serve the private interests of one or more landowners instead of furthering the welfare of the entire community as part of an overall zoning plan. Spot zoning is based on the arbitrary and inappropriate nature of a re-zoning change rather than, as is commonly believed, on the size of the area being re-zoned.
 - Zoning which will result in strip development should be discouraged. Strip development is a melange of development, usually commercial, extending along both sides of a major street. Strip development is often a mixture of auto-oriented enterprises (e.g., gas stations, motels, and food stands), and truck-dependent wholesale and light industrial enterprises along with the once-rural homes and farms that await conversion to commercial use. Strip development may severely

reduce traffic-carrying capacity of abutting streets by allowing for excessive and conflicting curb cuts.



- The concept of uniformity should be supported in all zoning deliberations. Uniformity is a basic premise of zoning which holds that all land in similar circumstances should be zoned alike; any different circumstances should be carefully balanced with a demonstrated need for such different treatment.
- Zoning regulations should be made in accordance with the Camden County Land Use Plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. The regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout Camden County's planning jurisdiction.
- Specifically, the Planning Board and Board of Commissioners should ask the following questions:
 - Does Camden County need more land in the zone class requested?
 - Is there other property in the county that might be more appropriate for this use?
 - Is the request in accordance with the Camden County land use plan?
 - Will the request have a serious impact on traffic circulation, parking space, sewer and water services, and other utilities?
 - Will the request have an impact on other county services, including police protection, fire protection, or the school system?
 - Is there a good possibility that the request, as proposed, will result in lessening the enjoyment or use of adjacent properties?

- Will the request, as proposed, cause serious noise, odors, light, activity, or unusual disturbances?
- * • Does the request raise serious legal questions such as spot zoning, hardship, violation of precedents, or need for this type of use?
- Does the request adversely impact any CAMA AEC's or other environmentally sensitive areas including water quality?

It is intended that this plan will serve as the basic tool to guide development/growth in Camden County subject to the following:

- The Camden County Land Development Ordinances should be revised from time to time to be consistent, as reasonably possible, with the recommendations of this plan and the evolving nature of the county's growth and development policy.
- Land development regulations should be designed: to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.
- Camden County will coordinate all development proposals with appropriate State and/or Federal agencies.

B. POLICIES REGARDING LAND USE AND DEVELOPMENT IN AECS

Camden County accepts state and federal law regarding land uses and development in AEC's. By reference, all applicable state and federal regulations are incorporated into this document. However, Camden County does not consider the following issues to be relevant at this time:

- Outstanding Resource Waters
- Maritime Forests
- Shellfishing Waters
- Development of Sound and Estuarine System Islands
- Peat or Phosphate Mining's Impact on any Resource
- Dredging
- Beach Nourishment

CAMDEN COUNTY BOARD OF COMMISSIONERS
Regular Meeting – March 17, 2014

759

Dave Parks, Zoning Officer, Camden County Planning Department provided the following information:

- Public hearing was held on 2-17-14
- Regardless of whether the Board's motion tonight is for approval or denial, there are 2 motions that are required:
 - Statement relating to plan consistency, whether or not the request is consistent with the plans of Camden County
 - If the Board votes to approve, the statement would indicate that the rezoning is consistent with policy 10 of the CAMA Land Use Plan which states that the County shall provide a range of affordable housing options
 - If the Board votes to deny, the statement would indicate that the rezoning is not consistent with the CAMA Land Use Plan as it is spot zoning and is not part of an overall zoning plan.
 - Motion for approval or denial of the ordinance itself
- Planning Board met on February 19, 2014 and voted unanimously to recommend denial of this rezoning because it was not consistent with the CAMA Land Use Plan and it is considered spot zoning
- Mr. Overton is present tonight

Manager Renshaw noted that recommended language to use for the motions with regard to consistency statement is included in the board packet on the agenda item summary sheet.

Vice Chairman Michael McLain made a motion that the requested zoning is inconsistent with the CAMA Land Use Plan as it is spot zoning and is not part of an overall zoning plan. The motion was approved 5-0 with Chairman Garry Meiggs, Vice Chairman Michael McLain, Commissioners Randy Krainiak, Sandra Duckwall, and Clayton Riggs voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Commissioner Sandra Duckwall made a motion to deny Ordinance 2014-04-01 Rezoning Application (UDO 2013-12-12) for Britton J. Overton. The motion was approved 5-0 with Chairman Garry Meiggs, Vice Chairman Michael McLain, Commissioners Randy Krainiak, Sandra Duckwall, and Clayton Riggs voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

After the vote was taken, Commissioner Riggs asked Mr. Parks why Mr. Overton couldn't simply use the parent to child exemption on 1 acre of the property for placement of his desired singlewide. Mr. Parks explained that the parent to child exemption only exempts from the requirements of sub-division of the property, it does not change the allowed uses on the property and since the property is in a General Use zone, singlewides are not allowed.

New Business

Item # 5.A.

VFD Contract Agreement

County Manager Michael Renshaw described this agenda item:

- Emergency Management Director Christy Saunders has drafted a Mutual Aid Agreement which, if the Board approves, will be between the County of Camden and the City of Chesapeake with regard to emergency services, fire protection services, in the event of a disaster that might require large numbers of assets.
- Manager Renshaw and Director Saunders both feel this Mutual Aid Agreement would be beneficial to the County
- This topic was previously discussed, back in 2006, however no action was taken at that time
- Director Saunders has spoken with both Fire Chiefs and their Boards
- If the Board of Commissioners were to approve this Mutual Aid Agreement, it would require addendums to the existing Fire Protection Services Contract with both volunteer fire departments.

ATTACHMENT "C"

Zoning Change Application
County of Camden, North Carolina

A rezoning may be obtained pursuant to Article 151.580 of Unified Development Ordinance (UDO) of Camden County and upon approval by the Board of Commissioners after a recommendation from the Planning Board.

Please consult the Planning Office (1-252-338-1919) with any questions about your application.

PLEASE PRINT OR TYPE

Please Do Not Write in this Box	
PIN:	<u>01-7989-00-36-1006</u>
UDO#	<u>2016 - 05 - 05</u>
Date Received:	<u>5/9/16</u>
Received by:	<u>oB</u>
Zoning District:	<u>G40</u>
Fee Paid:	<u>\$ 650.⁰⁰</u>

CK H
3583
oB

Applicant's Name: Lindsey W. Hewitt

If the Applicant is acting as agent for another person (the "principal"), please give that person's name on the line below and submit a copy of the agency agreement/letter with this Application.

Applicant's Mailing Address: 575 Old Swamp Road
South Mills, NC 27976

Daytime Phone Number: (252) 333-5492

Street Address Location of Property: 174 Spence Lane South Mills, NC 27976

General Description of Proposal: 1 acre lot is currently zoned GU, would like to change to R-3-1

I swear or affirm that the foregoing information and all attachments hereto (now or subsequently provided as part of this application) are true and correct to the best of my knowledge.

Signed: *Lindsey W. Hewitt*

Dated: 5/9/2016

Please include a site plan with this application and any other supporting documentation that the applicant feels would assist the Board of Commissioners and the Planning Board in determining the need for a zoning change.

** Information to be filled out by Planning Department*

*Is the Property in a Watershed Protection area? NO

*Flood Zone (from FIRM Map): X *Taxes paid? yes no

Zoning Change Application Questions

The UDO requires the Board to consider to principal issues when considering an application for a zoning change. Please respond to each issue in the space provided below or on a separate sheet.

(A) How will the proposed zoning change enhance the public health, safety or welfare? (Article 151.585)

Change to R-3-1 would increase the tax revenue collected by Camden County for tax of land and residential use.

Overall maintainance of 1 acre lot would improve. Improvement in appearance and drainage of said acre. 1 acre portion of this property is currently not farmed by owner and would not cause financial hardship as the remaining 4 acres would still be farmed.

(B) Is the entire range of permitted uses in the requested classification more appropriate than the range of uses in the existing classification? (Article 151.585)

Yes. This 1 acre portion would come into compliance with the R-3-1 zoning. This would allow the lot to be corrected to be in conforming use. There is currently electric power and sewage established on this 1 acre lot. This 1 acre lot meets the criteria to be zoned as R-3-1 due to the fact it is a low density area and is located adjacent to an area primarily devoted to agriculture. The sale of 5 acres would cause hardship to the owner as 4 acres are farmed and 1 acre is not used for the purpose of farming, will not be used for the purpose in the future, and the rezoning of 1 acre would not impact the owner's livelihood but would increase the tax revenue for Camden County as a residential lot. Camden County would benefit by the 4 acres remaining GU to comply with the very low residential development and the 1 acre change to R-3-1 would comply with low density residential.

(C) For proposals to re-zone to non-residential districts along major arterial roads (Article 151.586):

(1) Is this an expansion of an adjacent zoning district of the same classification? N/A

(2) What extraordinary showing of public need or demand is met by this application? N/A

Google Maps

174 Spence Ln

1 ACRE



Imagery ©2016 Google, Map data ©2016 Google 50 f

174 Spence Ln
South Mills, NC 27976

Google Maps

May 10, 2016

Dave Parks

Camden County Planning Board

Mr. Stepher Earl Dail, owner of property at 174 Spence Lane, South Mill, NC, gives Lindsey W Hewitt permission to apply for rezoning of one acre of his property from general use (GU) to R-3-1 for the Purpose of purchase.

Sign:

Stepher Earl Dail

Date:

5-10-16

Acknowledgement

STATE OF NORTH CAROLINA

COUNTY OF Person

I certify that Steven Earl Dail personally appeared before me this day, acknowledging to me that he or she signed the foregoing document: Purchase of Property.
Name or description of attached document

I further certify that (select one of the following identification options):

- I have personal knowledge of the identity of the principal(s)
- I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a NC DL.
type of identification
- A credible witness, _____, has sworn or affirmed to me the
name of credible witness
identity of the principal, and that he or she is not a named party to the foregoing document, and has no interest in the transaction.

Date: 5/10/16

(Official Seal)

Angela S. Bruny
Notary Public

Angela S. Bruny
Typed or Printed Notary Name

My commission expires: February 5, 2017



CAMDENCOUNTY
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Board of Commissioners
AGENDA ITEM SUMMARY SHEET

New Business

Item Number: 6.A
Meeting Date: July 18, 2016
Submitted By: Michael Brillhart, County Manager
 Administration
 Prepared by: Angela Wooten

Item Title **Mixed Beverage Election**

Attachments: CEDC (PDF)
 NCGS Related to Sale of Mixed Drinks (DOCX)

Summary:

At its July 12th meeting, the Camden County Economic Development Commission discussed and approved a recommendation asking the Board of Commissioners to consider adopting a resolution calling for a "Mixed Beverage Election" referendum to be placed on the November 8, 2016 general election ballot. Election procedures adopted under North Carolina G.S. 18B-601 allows the Board of Commissioners to approve the placement of a "Mixed Beverage Election" on a general election ballot once formally approved by the Board through a resolution followed by submittal of a written request to the County Board of Elections.

The purpose in presenting this referendum is to give the electorate of Camden County an opportunity to consider approving the sale of mixed beverage at applicable sit-down Restaurants and other acceptable venues as provided under North Carolina G.S. 8B-1001(2).

If approved by the Board of Commissioners, the ballot referendum for a "Mixed Beverage Election" would state the following proposition as follows:



"To permit the sale of mixed beverages in hotels, restaurants, private clubs, community theatres, and convention centers".

() FOR

() AGAINST

Recommendation:

The Camden Economic Development Commission requests the Board of Commissioners discuss and consider a resolution at its August 1, 2016 meeting to call and hold a "Mixed Beverage Election" referendum on the November 8, 2016 State general election ballot for Camden County.

The Camden County economic development initiative includes a target industries list designed to capitalize on community assets with the overall objective being investment, employment and revenue generation. Among the list of desirable businesses, the initiative has included the retail and food sectors in order to respond to the underserved and growing market opportunity in the community. Market demand indicates a strong interest in, along with the ability to support, a national brand grocery operator. Additionally, there is adequate demand for a pharmacy, a small scale merchandise retailer along with several restaurants.

As the County advances its interests in attracting investment and service opportunity from the food sector, efforts have also fostered current and future development project possibilities. Contact with convenience food operators, along with casual dining establishments, reinforces the desire on the part of industry and the community to expand upon the mutually beneficial relationship. One such obstacle however for the community has been the expressed desire on the part of the casual dining industry to achieve service in the "liquor by the drink" category should an investment be a consideration. It is generally assumed that the ability to enable liquor by the drink format would position Camden County to a more serious consideration point when marketing to this business category.

General Statute Excerpts Related to Allow Sale of Mixed Drinks

18B-600. Places eligible to hold alcoholic beverage elections.

(a) Kinds of Elections. - The following kinds of alcoholic beverage elections shall be permitted:

- (1) Malt beverage;
- (2) Unfortified wine;
- (3) ABC store; and
- (4) Mixed beverage.

(b) County Elections. - Any county may hold a malt beverage, unfortified wine, or ABC store election. A county may hold a mixed beverage election only if the county already operates at least one county ABC store or a county election on ABC stores is to be held at the same time as the mixed beverage election

§ 18B-601. Election procedure.

(a) Generally. - Except as otherwise provided in this section, an alcoholic beverage election shall be conducted in the same manner and under the same rules as a referendum under Chapter 163.

(b) How County Election Called. - A county alcoholic beverage election shall be conducted by the county board of elections. When a county is eligible to hold an election under G.S. 18B-600, the county board of elections shall hold the election upon receiving either:

- (1) A written request for an election from the governing body of the county; or
- (2) A petition requesting an election signed by at least thirty-five percent (35%) of the voters registered in the county at the time the petition was initiated.

§ 18B-602. Form of ballots

(h) Mixed Beverage Elections. - The ballot for a mixed beverage election shall state the proposition as follows:

To permit the sale of mixed beverages in hotels, restaurants, private clubs, community theatres, and convention centers.

- FOR
 AGAINST

18B-603. Effect of alcoholic beverage elections on issuance of permits.

(d) Mixed Beverage Elections. - If a mixed beverage election is held under G.S. 18B-602(h) and the sale of mixed beverages is approved, the Commission may issue permits to qualified persons and establishments in the jurisdiction that held the election as follows:

- (1) The Commission may issue mixed beverage permits.
- (2) The Commission may issue on-premises malt beverage, unfortified wine, and fortified wine permits for establishments with mixed beverage permits, regardless of any other election or any local act concerning sales of those kinds of alcoholic beverages.
- (3) The Commission may issue off-premises malt beverage permits to any establishment that meets the requirements under G.S. 18B-1001(2) in any township or incorporated municipality which has voted to permit the sale of mixed beverages, regardless of any other local act concerning sales of those kinds of alcoholic beverages. The Commission may also issue off-premises unfortified wine permits to any establishment that meets the requirements under G.S. 18B-1001(4) in any township

or incorporated municipality which has voted to permit the sale of mixed beverages, regardless of any other local act concerning sales of those kinds of alcoholic beverages.

- (4) The Commission may issue brown-bagging permits for private clubs and congressionally chartered veterans organizations but may no longer issue and may not renew brown-bagging permits for restaurants, hotels, and community theatres. A restaurant, hotel, or community theatre may not be issued a mixed beverage permit under subdivision (1) until it surrenders its brown-bagging permit.
- (5) The Commission may continue to issue culinary permits for establishments that do not have mixed beverage permits. An establishment may not be issued a mixed beverage permit under subdivision (1) until it surrenders its culinary permit.

§ 163-287. Special elections; procedure for calling.

(a) Any county, municipality, or any special district shall have authority to call special elections as permitted by law. Prior to calling a special election, the governing body of the county, municipality, or special district shall adopt a resolution specifying the details of the election, and forthwith deliver the resolution to the local board of elections. The resolution shall call on the local board of elections to conduct the election described in the resolution and shall state the date on which the special election is to be conducted. In setting the date, counties, municipalities, and special districts are encouraged to set a date that will result in the highest possible voter turnout. However, the special election may be held only as follows:

- (1) At the same time as any other State or county general election.
- (2) At the same time as the primary election in any even-numbered year.
- (3) At the same time as any other election requiring all the precincts in the county to be open.
- (4) At the same time as a municipal general election, if the special election is within the jurisdiction of the municipality only.

(b) Legal notice of the special election shall be published no less than 45 days prior to the special election. The local board of elections shall be responsible for publishing the legal notice. The notice shall state the date and time of the special election, the issue to be submitted to the voters, and the precincts in which the election will be held. This subsection shall not apply to bond elections.

(c) The last sentence of subsection (a) of this section shall not apply to any special election related to the public health or safety, including a vacancy in the office of sheriff or a bond referendum for financing of health and sanitation systems, if the governing body adopts a resolution stating the need for the special election at a time different from any other State, county, or municipal general election or the primary in any even-numbered year.

(d) The last sentence of subsection (a) of this section shall not apply to municipal incorporation or recall elections pursuant to local act of the General Assembly.

(e) The last sentence of subsection (a) of this section shall not apply to municipal elections to fill vacancies in office pursuant to local act of the General Assembly where more than six months remain in the term of office, and if less than six months remain in the office, the governing board may fill the vacancy for the remainder of the unexpired term notwithstanding any provision of a local act of the General Assembly.

(f) This section shall not impact the authority of the courts or the State Board to order a new election at a time set by the courts or State Board under this Chapter. (1971, c. 835, s. 1; 1973, c. 793, s. 86; 1993 (Reg. Sess., 1994), c. 762, s. 65; 2011-31, s. 7; 2013-381, s. 10.1; 2014-111, s. 17.5(a).)



CAMDENCOUNTY

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Board of Commissioners AGENDA ITEM SUMMARY SHEET

Board Appointments

Item Number: 7.A
Meeting Date: July 18, 2016
Submitted By: Tim White, Parks & Recreation Director
 Parks & Recreation
 Prepared by: Tim White

Item Title **Parks and Recreation Advisory Board**

Attachments: Parks n Rec Members (PDF)
 Parks_Vol_Ward (PDF)
 Parks_Vol_Friend (PDF)
 Parks n Rec BYLAWS (PDF)

Summary:

Mrs. Karen Friend and Mr. Keith Ward would like to fill current vacancies we have on the Parks and Recreation Advisory Board.

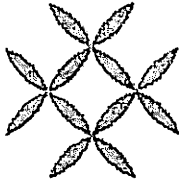
The Camden County Parks and Recreation bylaws state that this is a 6 member advisory board and that each member shall serve a term of three years.

The Parks and Recreation advisory council has submitted the (2) attached volunteer applications for Mr. Keith Ward and Ms, Karen Friend.

Recommendation:

Motion to appoint Mr. Keith Ward and Ms. Karen Friend to serve the Parks and Recreation Advisory Board for a term of three (3) years expiring 7/17/2019.

NAME OF BOARD	MEMBERSHIP	NAME	STATUS	APPOINTED	TERM	EXPIRATION
Parks & Rec Board	Shiloh	Steve Needham	(R)	12/15/2014	3 Years	12/14/2017
Parks & Rec Board	Shiloh	Alex Leary	(R)	12/15/2014	3 Years	12/14/2017
Parks & Rec Board	BOC	TOM WHITE	(ex)	12/15/2014	2 Years	12/12/2016
Parks & Rec Board	Courthouse	Dearl Neal	(A)	9/8/2015	3 Years	9/7/2018
Parks & Rec Board	BOE	Mark Harnly	(ex)	6/1/2016		
Parks & Rec Board	Courthouse	Scott Jones	(V)			
Parks & Rec Board	South Mills		(V)			
Parks & Rec Board	South Mills		(V)			



Application for Citizen Service -Volunteer Form

If you are a citizen of Camden County and would like to serve on one of the County's boards or commissions, please complete this application and return it to the County Manager's Office, 330 East HWY 158, and mail to: P.O. Box 190, Camden, North Carolina 27921 or e-mail mrenshaw@camdencountync.gov.

Name: Keith Ward

Mailing Address: PO Box 309, Camden NC 27921

Township you live in: Courthouse

Telephone (home): 252-338-5360 (business): 757-679-8144

Email address: keithward@embarqmail.com

Are you a registered voter? Yes No

Have you ever been convicted of a felony? Yes No

Please identify any talent, interest, skill, experience or educational preparation which might be helpful to a board or commission: Camden based youth sports program administrator.

Boards or Commissions upon which you are interested in serving: Parks and Recreation Advisory Board

As a member of a Board or Commission, you will be expected to attend at least 75% of the meetings. Please note the by-laws of some Boards and Commissions limit the number of terms served. This application is a notification of your interest to serve on a Board or Commission to be considered by the Board of Commissioners when a vacancy occurs. Thanks for your interest in Camden County Government

Signature:  Date: 13 July 2016



Application for Citizen Service -Volunteer Form

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Name: Karen Friend

Mailing Address: PO BOX 193 Camden NC 27921

Township you live in: Camden

Telephone (home): 252-336-9910 (business): 252-330-3126

Email address: friendkm@tcomlp.com

Are you a registered voter? Yes No

Have you ever been convicted of a felony? Yes No

Please identify any talent, interest, skill, experience or educational preparation which might be helpful to a board or commission: _____

Boards or Commissions upon which you are interested in serving: _____
Parks & Rec Advisory Board

As a member of a Board or Commission, you will be expected to attend at least 75% of the meetings. Please note the by-laws of some Boards and Commissions limit the number of terms served. This application is a notification of your interest to serve on a Board or Commission to be considered by the Board of Commissioners when a vacancy occurs. Thanks for your interest in Camden County Government

Signature: [Handwritten Signature] Date: 7-13-2016

Attachment: Parks_Vol_Friend (1308 : Parks and Recreation Advisory Board)

County of Camden
Parks and Recreation Advisory Board
BYLAWS

I. NAME

The name of this organization shall be the County of Camden Parks and Recreation Advisory Board, as stipulated by the County Board of Commissioners on July 3, 2006.

II. PURPOSES

- A. The Advisory Board shall make recommendations relative to planning and conducting the parks and recreation programs in the County of Camden.
- B. The Advisory Board shall make recommendations on policies and other items of business as requested by the Director of Parks and Recreation, the County Manager and/or Board of Commissioners.
- C. The Advisory Board will review the Department's Operating and Capital Budget as presented by the Parks and Recreation Director prior to presentation to the County Manager.

III. BOARD MEMBERSHIP

- A. The six (6) member Advisory Board, with every reasonable effort made to appoint two (2) members from each township, shall be appointed by the County Board of Commissioners. One (1) additional member, for a total of seven (7), will be a Camden County Commissioner appointed annually by the Chairman of the Board of Commissioners. The members shall serve a term of three (3) years. No member shall serve for more than two (2) consecutive terms. Persons appointed to fill less than one-half of the term of vacancy may serve two (2) additional consecutive terms.
- B. The entire membership of the Advisory Board shall consider it a civic duty to attend all meetings and shall endeavor to make fair and just decisions to the benefit of the County of Camden, in accordance with the objectives of the Parks and Recreation Department, and shall aid the Department in interpreting the objectives of the Department's program to the public.
- C. In regard to attendance, failure of a member of the Advisory Board to attend a majority of the regularly scheduled meetings of the Agency held within any calendar year shall automatically constitute cause for removal provided, however, that the same requirements of notice and opportunity for hearing shall apply.

- D. Any member of the Advisory Board may be removed for cause by formal vote of the Board of Commissioners, provided that such member first be given a written statement of the causes and an opportunity to be heard thereon.
- E. The Parks and Recreation Advisory Board will include an ex-officio member, appointed by the Camden Superintendent of Schools to serve as a liaison representative.

IV. BOARD OFFICERS AND THEIR DUTIES

- A. The officers of the Advisory Board shall be a Chairperson and a Vice Chairperson.
- B. The Chairperson of the Advisory Board shall preside at all meetings of the Board and shall perform such other duties as may be determined by the Advisory Board. The Chairperson shall be an Ex-Officio member of all committees.
- C. The Vice Chairperson shall assume the duties of the Chairperson in his or her absence.
- D. The Advisory Board's Secretary/Clerk shall be a member of the Parks and Recreation staff. .
- E. The Director of Parks and Recreation shall notify members and the office of the County Manager of all meetings; shall keep minutes of all meetings of the Advisory Board; shall conduct such correspondence as the Board may direct; shall forward all minutes of all meetings to the Board's members, the County Manager and the Board of Commissioners.

V. ELECTION AND TERMS OF BOARD OFFICERS

- A. The officers shall be elected by a majority vote of the quorum present and serve a term of one year.
- B. The annual election of officers will be held the regular meeting in the month of December, and those officers elected will take office in the month of January.
- C. In the event the Chairperson resigns or for any reason is not able to complete his or her term of office, the Vice Chairperson shall assume the office of Chairperson and serve for the remainder of the term. In the event the Vice Chairperson resigns, assumes the office of Chairperson, or for any other reason is not able to complete his or her term of office, the Advisory Board shall elect a successor Vice Chairperson to serve for the remainder of the term.

VI. ADVISORY BOARD MEETINGS

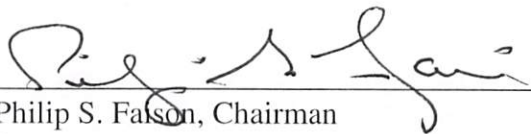
- A. A regular meeting of the Advisory Board shall be held monthly or as otherwise needed.
- B. Special meetings may be held at any time or place at the call of the Chairperson or upon the request of three members of the Advisory Board.
- C. Official action shall be taken by the Advisory Board only when a quorum is present, with a quorum consisting of a majority of the voting membership of the Board.
- D. Any vote by the Advisory Board on any issue shall have no force or effect unless, or until, taken in open session in a manner in which the decision of each member can be publicly observed.
- E. Any motion made by a member of the Advisory Board in regard to any matter must receive a second from another member in order for any vote to be taken on such motion. When a motion is made and receives no second, the motion shall be deemed dismissed from consideration.
- F. Every member of the Advisory Board present at a meeting of the Board shall vote on each matter placed before the Advisory Board for vote unless the matter involves consideration of that member's own official conduct, or where that member's financial interests are involved (irregardless of amount), or where that member is otherwise prohibited by law from voting on the matter. Should a member have such an interest or be so prohibited by law, he or she shall specifically cite the conflicting interest or the legal prohibition at the time his or her vote is required therefore asking permission to abstain from voting.
- G. All votes have to be taken by a show of hands with names recorded by secretary.
- H. The board members can request citizens to provide information to specific questions.
- I. All meetings shall be open to the public and advertised in advance in a newspaper of local distribution and on the county website.
- J. The Order of Business of the Advisory Board shall be as follows:
 - 1. Call to Order and Welcome
 - 2. Invocation
 - 3. Pledge of Allegiance
 - 4. Roll Call
 - 5. Approval of Minutes
 - 6. Report of Special Committees

- 7. Hearing of Citizens
- 8. Unfinished Business (Parks & Rec Director)
- 9. Unfinished Business (Chairman)
- 10. Director's Business
- 11. New Business (Members)
- 12. Adjournment

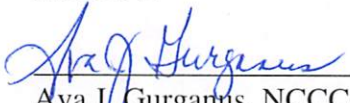
VII. COMMITTEES

- A. The Chairperson may appoint such committees, standing or special, as may be deemed appropriate.
- B. The Chairperson and the Director of Parks and Recreation shall be Ex-Officio members of all committees and, as such, shall be notified of all meetings.

Adopted this the 3rd day of May, 2010.


 Philip S. Faxon, Chairman
 Camden County Board of Commissioners

ATTEST:


 Ava J. Gurganus, NCCCC
 Clerk to the Board

Attachment: Parks n Rec BYLAWS (1308 : Parks and Recreation Advisory Board)



Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Board Appointments

Item Number: 7.B
Meeting Date: July 18, 2016
Submitted By: Donna Stewart, Visitor Center Director
 Dismal Swamp Welcome Center
 Prepared by: Angela Wooten

Item Title **Tourism Development Authority**

Attachments: TDA Members (PDF)
 TDA_Vol_Cherrix (PDF)
 Resolution No, 2004-10-02.pdf (PDF)

Summary:

The Authority shall consist of nine (9) members: eight (8) voting members and one (1) ex officio non-voting member. The ex officio non-voting member shall be the county's Finance Officer.

The Chair will be appointed by the Board of Commissioners. The Board of Commissioners shall fill vacancies on the Authority as needed. The member's terms of office shall be two (2) years. The members of the Authority shall serve without pay except for luncheon meetings.

The TDA has submitted the attached volunteer application from Mr. Doug Cherrix to fill the vacancy.

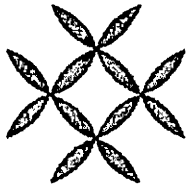
Recommendation:

Motion to appoint Mr. Doug Cherrix to serve the Tourism Development Authority for a term of (2) years expiring 7/17/2018.

Camden County
Tourism Development Authority

NAME OF BOAR	MEMBERSH	NAME	STATUS	APPOINTED	TERM	EXPIRATION
TDA		Donna Stewart	(A)	7/7/2014	2 Years	7/7/2016
TDA		Charlotte Underwood	(R)	7/7/2014	2 Years	7/7/2016
TDA		Janet Inge	(R)	7/7/2014	2 Years	7/7/2016
TDA		Beverly Bengies	(A)	11/3/2014	2 Years	11/30/2016
TDA		Finance Officer	(ex)			
TDA		Georgia Lamb	(R)	1/5/2015	2 Years	1/4/2017
TDA		Adam Carver	(A)	10/6/2014	2 Years	10/31/2016
TDA		TOM WHITE	(ELECT)	12/15/2014	4 Years	11/30/2018
TDA			(V)			

Attachment: TDA Members (1311 : Tourism Development Authority)



Application for Citizen Service -Volunteer Form

If you are a citizen of Camden County and would like to serve on one of the County's boards or commissions, please complete this application and return it to the County Manager's Office, 330 East HWY 158, and mail to: P.O. Box 190, Camden, North Carolina 27921 or e-mail info@camdencountync.gov.

Name: Doug Cherrix

Mailing Address: 1033 C Ryland Rd. , Tyner NC 27980

Township you live in: N/A * I am not a resident of Camden County, I am representing ACADEMI

Telephone (home): (252) 562-4641 (business): (252) 435-1723

Email address: Doug.Cherrix@constellis.com

Are you a registered voter? Yes No

Have you ever been convicted of a felony? Yes No

Please identify any talent, interest, skill, experience or educational preparation which might be helpful to a board or commission: Director of Facility Services at ACADEMI Training Center. Licensed General Contrator.

Boards or Commissions upon which you are interested in serving: Tourism Development Authority

As a member of a Board or Commission, you will be expected to attend at least 75% of the meetings. Please note the by-laws of some Boards and Commissions limit the number of terms served. This application is a notification of your interest to serve on a Board or Commission to be considered by the Board of Commissioners when a vacancy occurs. Thanks for your interest in Camden County Government

Signature: Douglas Cherrix Date: 08 Jul 16

Attachment: TDA Members (1311 : Tourism Development Authority)



Application for Citizen Service -Volunteer Form

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Name: Doug Cherrix

Mailing Address: 1033 C Ryland Rd. , Tyner NC 27980

Township you live in: N/A * I am not a resident of Camden County, I am representing ACADEMI

Telephone (home): (252) 562-4641 (business): (252) 435-1723

Email address: Doug.Cherrix@constellis.com

Are you a registered voter? Yes No

Have you ever been convicted of a felony? Yes No

Please identify any talent, interest, skill, experience or educational preparation which might be helpful to a board or commission: Director of Facility Services at ACADEMI Training Center. Licensed General Contrator.

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Signature: Douglas Cherrix Date: 08 Jul 16

BOARD OF COMMISSIONERS

JEFFREY B. JENNINGS
Chairman
SAMUEL K. SHAW, SR.
Vice-Chairman
J.C. ROUNTREE
MELVIN J. JERALDS
CLAYTON D. RIGGS



RANDELL K. WOODRUFF
County Manager

AVA MURGIA
Clerk to the Board/
Assistant to the Manager

Resolution No. 2004-10-02

**A RESOLUTION OF THE CAMDEN COUNTY BOARD OF COMMISSIONERS CREATING A
TOURISM DEVELOPMENT AUTHORITY**

WHEREAS, on the 17th day of July, 2004, the General Assembly of North Carolina ratified HB 1348, An Act To Authorize Camden County To Levy A Room Occupancy and Tourism Development Tax, and

WHEREAS, the Board of County Commissioners caused public notice of the public hearing being held on Monday, February 16, 2004, in the Senior Center Conference Room, Courthouse Complex, Camden, North Carolina, to consider Resolution No. 2004-02-01 A Resolution of the Camden County Board of Commissioners To Authorize Camden County To Levy An Occupancy Tax to be published in *The Daily Advance* on February 6 and February 13, 2004.

WHEREAS, the Board of Commissioners of Camden County does hereby

1. Levy a Room Occupancy Tax of six percent (6%) of the gross receipts derived from the rental of any room, lodging, or similar accommodation furnished by a hotel, motel, inn, or similar place within the county that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3), or from the rental of a campsite within the county;
2. Create a Tourism Development Authority, a public authority under the Local Government Budget and Fiscal Control Act. The Authority shall consist of nine (9) members: eight (8) voting members and one (1) ex officio nonvoting member. The ex officio nonvoting member shall be the county's Finance Officer.
3. The Chair will be appointed by the Board of Commissioners. The Board of Commissioners shall fill vacancies on the Authority as needed. The member's terms of office shall be two (2) years. The members of the Authority shall serve without pay except for luncheon meetings. The Authority shall meet at the call of the Chair and shall adopt rules of procedure to govern its meetings.
4. Charge the Authority to promote travel, tourism and conventions, sponsor tourist-related events and activities in the county, and finance tourist-related capital projects in the county in accordance with the applicable statutes.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Camden County that the Authority shall report quarterly and at the close of the fiscal year to the Board of Commissioners on its receipts and expenditures for the preceding quarter and for the year in such detail as the Board may require.

Adopted this 18th day of October, 2004.

(SEAL)


Jeffrey B. Jennings, Chairman
Camden County Board of Commissioners

ATTEST: 
Ava Murgia, Clerk to the Board



Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Board Appointments

Item Number: 7.C
Meeting Date: July 18, 2016

Submitted By: Angela Wooten, Clerk to the Board
Administration
Prepared by: Angela Wooten

Item Title **Adult Care Home Community Advisory Committee**

Attachments: cac (PDF)
cac members (PDF)
CAMDEN COUNTY CAC BY-LAWS (PDF)
NC GS 131D-30-32 (PDF)

Summary:

Staff has received the attached letter of resignation from Ms. Dana Rabon Smith. Ms. Rabon states that due to unforeseen circumstances she is unable to commit to her recent appointment to the Adult Care Home Community Advisory Committee.

N.C.G.S. 131D-31. Adult care home community advisory committees.

(e) Vacancies. - Any vacancy shall be filled by appointment of a person for a one-year term. If this vacancy is in a position filled by an appointee nominated by the chief administrators of adult care homes within the county, then the county commissioners shall fill the vacancy from persons nominated by a majority of the chief administrators. If the adult care home administrators fail to make a nomination by registered mail within 45 days after written notification has been sent to them requesting a nomination, this appointment may be made without nominations. If the county commissioners fail to fill a vacancy, the vacancy may be filled by the Assistant Secretary for Aging, Department of Health and Human Services no sooner than 45 days after the commissioners have been notified of the appointment or vacancy.



Attached is a Press Release provided by Ms. Brandi Jordan, Regional Long-Term Care Ombudsman

Recommendation:

Direct staff to

- Send written notification to the adult care home administrators requesting a nomination for appointment.
- Advertise the vacancy on the website using the attached press release

Angela Wooten

From: Dana Rabon <gracainc@gmail.com>
Sent: Wednesday, July 06, 2016 4:32 PM
To: Angela Wooten; Brandi Jordan
Subject: CAC

Hello ladies,

I hope you both had a great 4th and your summer is going well.

Unfortunately, I am going to be unable to commit to the position as a CAC member for Camden County at this time. I have had some unforeseen circumstances arise that are not only consuming my time but will prevent me from being able to commit to the important tasks as a member the committee. I am so very sorry for this and hate to put you all in a bind.

I appreciate the opportunity and again, I apologize for any inconvenience or undue burden this may cause.

With kindest regards,

Dana Rabon-Smith, RPh
Executive Director
Waterbrooke Assisted Living
252-331-2149
252-331-1271 (fax)

Attachment: cac (1312 : Adult Care Home Community Advisory Committee)

Angela Wooten

From: Brandi Jordan <bjordan@accog.org>
Sent: Thursday, July 14, 2016 10:04 AM
To: awooten@camdencountync.gov
Subject: Camden County CAC
Attachments: CAC Press Release for Volunteer Position Vacancy.docx; CAMDEN AC CAC.doc

Hi Angela-

Just wanted to touch base with you. I know that the Camden CAC committee was full until recently with the resignation of Dana Smith. Ms. Mansfield will be attending her initial training in August and will then be able to participate in her CAC duties. I've attached the updated list of your CAC members FYI.

I've also attached a sample CAC press release, which may help in your recruitment. Please let me know if you have any questions!

Brandi

Brandi Jordan, MSW
Regional Long-Term Care Ombudsman
 Albemarle Commission
bjordan@accog.org
 252.426.5753 x225 (O)
 252.426.8482 (F)



Attachment: cac (1312 : Adult Care Home Community Advisory Committee)

CAMDEN COUNTY ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE

MEMBERS	POSITION	TERM EXPIRATION
Shana Trafton 214 Scotland Rd. Camden, NC 27921 (252) 338-3753	Secretary	08/03/2017
Jasmine Wilson PO Box 190 Camden, NC 27921 (252) 335-2569	Chair	11/1/2018
Ruth White 309 Holland Drive Camden, NC 27921 (252) 335-4657	Member	11/01/2018
Clarann Mansfield 831 Hwy 343 North Camden, NC 27921 (252) 771-2400	Member-in-Training	03/20/2017

VACANCY (1)

**REGIONAL LONG TERM CARE OMBUDSMAN
ALBEMARLE COMMISSION AREA AGENCY ON AGING**

Brandi Jordan, MSW
P.O. Box 646, 512 S. Church Street
Hertford, NC 27944
Phone: (252) 426-5753 Ext. 225

**CAMDEN COUNTY DEPARTMENT OF SOCIAL SERVICES
ADULT PROTECTIVE SERVICES**

PHONE (252) 331-4787

Attachment: cac (1312 : Adult Care Home Community Advisory Committee)

VACANCY: Seeking to fill ___ positions for the _____ County Community Advisory Committee from 8-24 hours per quarter - Major Responsibility: To uphold the intent of the NC Resident Bill of Rights. Applicant must reside in _____ County and cannot live in, work at, or have a financial interest in the long-term care facilities that he/she will serve. You may also not have an immediate family member in the facilities that you serve. To serve, you must be 18, live in the county and be willing to give your time. The estimate of time spent performing required duties includes attendance at meetings, conducting both official and friendly visits to the facilities, and other activities to benefit long term care residents.

For more information, (252) 426-5753 Ext. 225 or visit <http://www.albemarlecommission.com>

Camden County
Adult Care Home Community Advisory Committee

NAME OF BOARD	MEMBERSHIP	NAME	STATUS	APPOINTED	TERM	EXPIRATION
CAC		JASMINE WHITE	(R)	11/2/2015	2 Years	11/1/2017
CAC		RUTH WHITE	(R)	11/2/2015	2 Years	11/1/2017
CAC		SHANA TRAFTON	(R)	8/4/2014	3 Years	8/3/2017
CAC		Clarann Mansfield	(A)	3/21/2016	1 Year	3/20/2017
CAC		Dana Smith	(R)	3/21/2016	1 Year	3/20/2017

Attachment: cac members (1312 : Adult Care Home Community Advisory Committee)

**CAMDEN COUNTY ADULT CARE HOME
COMMUNITY ADVISORY COMMITTEE**

BY-LAWS

ARTICLE I

Name, Purpose, and Duties

Section 1. Name.

The name of this committee shall be Camden County Adult Care Home Community Advisory Committee.

Section 2. Purpose and Duties.

The purpose of this committee shall be to maintain the spirit of the Nursing Home Bill of Rights within the long term care facilities in Camden County. In furtherance of this general purpose, the committee shall have the following specific duties:

- (a) The committee shall apprise itself of the general conditions under which the persons are residing in the homes, and shall work for the best interests of the persons in the homes. This may include assisting persons who have grievances with the home and facilitating the resolution of grievances at the local level.
- (b) The committee shall quarterly visit each adult care home it serves. For each such official visit, a majority of the committee members shall be present. In addition, each committee may visit the adult care home it serves whenever it deems it necessary to carry out its duties.
- © Each member of the committee shall have the right, between 10:00 a.m. and 8:00 p.m., to enter into the facilities the committee serves in order to carry out its duties.
- (d) Before entering into any facility, the committee or its members shall identify itself to the person present at the facility who is in charge of the facility at that time.
- (e) The committee may, at any time it deems necessary, communicate through its chairman with the Department of Human Resources, the Regional Ombudsman, or any other agency in relation to the interest of any resident. The names of all complaining persons shall remain confidential unless written permission is given for disclosure.

- (f) The committee shall serve as the nucleus for increased community interaction with the adult care home and promote better community education and awareness of issues affecting the institutionalized elderly.
- (g) The committee shall prepare the following reports:
- (1) **Quarterly Visit Report** – The committee shall prepare this report following its official quarterly visit to each facility.
 - (2) **Case Record** – Part 1 – Confidential – This form shall be filled out whenever the committee or a member thereof receives a complaint or personally observes a violation of resident's rights in a facility.
- (h) The committee shall carry out any other duty specifically adopted by by the committee pursuant to its rules of order.

ARTICLE II

Members

State law defines the appointments, qualifications, and terms of office of the committee members as they are carried out by the Camden County Board of Commissioners.

ARTICLE III

If an appointee has unexcused absences which constitute more than twenty-five percent (25%) of the meetings and visits in any calendar year which he or she is required to attend pursuant to his or her appointment, he or she may be asked to resign by the Board of Commissioners. An unexcused absence is defined as an absence which is not excused by the chairman or the ombudsman.

ARTICLE IV

Section 1. Election of Officers

The Advisory Committee shall elect a chairperson and secretary annually at the regular meeting in the first quarter. All officers may succeed themselves.

Section 2. Chairperson

The Chairperson shall preside at all meetings. Except as otherwise authorized by the resolution of the committee, the chairperson shall execute all instruments of the committee. At each meeting, the chairperson shall submit such recommendations and information as she/he may consider proper concerning the business, affairs, and policies of the committee.

Section 3. Secretary

The secretary shall keep the records of the committee, shall act as secretary of the meetings, and record all votes, shall keep a record of all the proceedings, and shall perform all duties incident to this office. The minutes shall be forwarded to the Regional Ombudsman to be typed and copied and sent to the Camden County Commissioners following approval.

Section 4. Vacancy

Should any office become vacant, the committee shall appoint a new successor from among its membership at its next regular meeting.

ARTICLE V**Section 1. Regular Meetings ***

Regular meetings of this committee shall be held quarterly.

Section 2. Special Meetings

The Chairperson or Regional Ombudsman, when deemed necessary, shall call a special meeting of the committee for the purpose of transacting any business designated in the call. The call for a special meeting must be received by each member of the committee at least twenty-four (24) hours prior to the date of such special meeting.

Section 3. Quorum

At all meetings of this committee, a majority of the members eligible for appointment shall constitute a quorum for the purpose of transacting business.

Section 4. Conduct of Meetings

All meetings shall be open to the public and shall be conducted in accordance with normally accepted parliamentary procedures except where

confidentiality is required or permitted by law. The order of business meetings shall be as follows:

- (1) Roll call;
- (2) Unfinished business;
- (3) Reports of committee members and quests;
- (4) New Business.

Section 5. Cancellation of Meetings

Whenever there is no business for the Advisory Committee, the chairperson may dispense with the regular meetings by giving notice to all members and to the Clerk of County Commissioners not less than 10 days prior to the time set for the meeting.

Section 6. Executive Sessions

Executive sessions may be held according to the North Carolina General Statutes.

* Regular meetings dates to be set by the committee

North Carolina General Statutes Chapter 131D-30 & 131D-32
Adult Care Home Community Advisory Committees

§ 131D-31. Adult care home community advisory committees.

(a) Statement of Purpose. - It is the intention of the General Assembly that community advisory committees work to maintain the intent of the Adult Care Home Residents' Bill of Rights within the licensed adult care homes in this State. It is the further intent of the General Assembly that the committees promote community involvement and cooperation with adult care homes to ensure quality care for the elderly and disabled adults.

(b) Establishment and Appointment of Committees. -

- (1) A community advisory committee shall be established in each county that has at least one licensed adult care home, shall serve all the homes in the county, and shall work with each of these homes for the best interests of the residents. In a county that has one, two, or three adult care homes with 10 or more beds, the committee shall have five members.
- (2) In a county with four or more adult care homes with 10 or more beds, the committee shall have one additional member for each adult care home with 10 or more beds in excess of three, and may have up to five additional members at the discretion of the county commissioners, not to exceed a maximum of 25 members. In each county with four or more adult care homes with 10 or more beds, the committee shall establish a subcommittee of no more than five members and no fewer than three members from the committee for each adult care home in the county. Each member must serve on at least one subcommittee.
- (3) In counties with no adult care homes with 10 or more beds, the committee shall have five members. Regardless of how many members a particular community advisory committee is required to have, at least one member of each committee shall be a person involved in the area of mental retardation.
- (4) The boards of county commissioners are encouraged to appoint the Adult Care Home Community Advisory Committees. Of the members, a minority (not less than one-third, but as close to one-third as possible) shall be chosen from among persons nominated by a majority of the chief administrators of adult care homes in the county. If the adult care home administrators fail to make a nomination

**North Carolina General Statutes Chapter 131D-30 & 131D-32
Adult Care Home Community Advisory Committees**

within 45 days after written notification has been sent to them requesting a nomination, these appointments may be made without nominations. If the county commissioners fail to appoint members to a committee by July 1, 1983, the appointments shall be made by the Assistant Secretary for Aging, Department of Health and Human Services, no sooner than 45 days after nominations have been requested from the adult care home administrators, but no later than October 1, 1983. In making appointments, the Assistant Secretary for Aging shall follow the same appointment process as that specified for the County Commissioners.

(c) Joint Nursing and Adult Care Home Community Advisory Committees. - Appointment to the Nursing Home Community Advisory Committees shall preclude appointment to the Adult Care Home Community Advisory Committees except where written approval to combine these committees is obtained from the Assistant Secretary for Aging, Department of Health and Human Services. Where this approval is obtained, the Joint Nursing and Adult Care Home Community Advisory Committee shall have the membership required of Nursing Home Community Advisory Committees and one additional member for each adult care home with 10 or more beds licensed in the county. In counties with no adult care homes with 10 or more beds, there shall be one additional member for every four other types of adult care homes in the county. In no case shall the number of members on the Joint Nursing and Adult Care Home Community Advisory Committee exceed 25. Each member shall exercise the statutory rights and responsibilities of both Nursing Home Committees and Adult Care Home Committees. In making appointments to this joint committee, the county commissioners shall solicit nominations from both nursing and adult care home administrators for the appointment of approximately (but no more than) one-third of the members.

(d) Terms of Office. - Each committee member shall serve an initial term of one year. Any person reappointed to a second or subsequent term in the same county shall serve a two- or three-year term at the county commissioners' discretion to ensure staggered terms of office.

(e) Vacancies. - Any vacancy shall be filled by appointment of a person for a one-year term. If this vacancy is in a position filled by an appointee nominated by the chief administrators of adult care homes within the county, then the county commissioners shall fill the vacancy from persons nominated by a majority of the chief administrators. If the adult care home administrators fail to make a nomination by

**North Carolina General Statutes Chapter 131D-30 & 131D-32
Adult Care Home Community Advisory Committees**

registered mail within 45 days after written notification has been sent to them requesting a nomination, this appointment may be made without nominations. If the county commissioners fail to fill a vacancy, the vacancy may be filled by the Assistant Secretary for Aging, Department of Health and Human Services no sooner than 45 days after the commissioners have been notified of the appointment or vacancy.

(f) **Officers.** - The committee shall elect from its members a chair, to serve a one-year term.

(g) **Minimum Qualifications for Appointment.** - Each member must be a resident of the county which the committee serves. No person or immediate family member of a person with a financial interest in a home served by the committee, or employee or governing board member of a home served by the committee, or immediate family member of a resident in a home served by the committee may be a member of that committee. Any county commissioner who is appointed to the committee shall be deemed to be serving on the committee in an ex officio capacity.

Members of the committee shall serve without compensation, but may be reimbursed for actual expenses incurred by them in the performance of their duties. The names of the committee members and the date of expiration of their terms shall be filed with the Division of Aging, Department of Health and Human Services.

(h) **Training.** - The Division of Aging, Department of Health and Human Services, shall develop training materials, which shall be distributed to each committee member. Each committee member must receive training as specified by the Division of Aging prior to exercising any power under G.S. 131D-32. The Division of Aging, Department of Health and Human Services, shall provide the committees with information, guidelines, training, and consultation to direct them in the performance of their duties.

(i) Any written communication made by a member of adult care home advisory committee within the course and scope of the member's duties, as specified in G.S. 131D-32, shall be privileged to the extent provided in this subsection. This privilege shall be a defense in a cause of action for libel if the member was acting in good faith and the statements and communications do not amount to intentional wrongdoing.

To the extent that any adult care home advisory committee or any member is covered by liability insurance, that committee or member shall be deemed to have waived the qualified immunity herein to the extent of indemnification by insurance. (1981, c. 923, s. 1; 1983, c. 88, s. 1; 1987, c. 682, s. 2; 1995, c. 535, s. 14; 1997-176, s. 2; 1997-443, s. 11A.118(a).)

**North Carolina General Statutes Chapter 131D-30 & 131D-32
Adult Care Home Community Advisory Committees**

§ 131D-32. Functions of adult care home community advisory committees.

(a) The committee shall serve as the nucleus for increased community involvement with adult care homes and their residents.

(b) The committee shall promote community education and awareness of the needs of aging and disabled persons who reside in adult care homes, and shall work towards keeping the public informed about aspects of long-term care and the operation of adult care homes in North Carolina.

(c) The committee shall develop and recruit volunteer resources to enhance the quality of life for adult care home residents.

(d) The committee shall establish linkages with the adult care home administrators and the county department of social services for the purpose of maintaining the intent of the Adult Care Home Residents' Bill of Rights.

(e) Each committee shall apprise itself of the general conditions under which the persons are residing in the homes, and shall work for the best interests of the persons in the homes. This may include assisting persons who have grievances with the home and facilitating the resolution of grievances at the local level. The identity of any complainant or resident involved in a complaint shall not be disclosed except as permitted under the Older Americans Act of 1965, as amended, 42 U.S.C. § 3001 et seq. The committee shall notify the enforcement agency of all verified violations of the Adult Care Home Residents' Bill of Rights.

(f) The committee or subcommittee may communicate through the committee chair with the Department of Health and Human Services, the county department of social services, or any other agency in relation to the interest of any resident.

(g) Each committee shall quarterly visit the adult care homes with 10 or more beds it serves. For each official quarterly visit, a majority of the committee members shall be present. A minimum of three members of the committee shall make at least one visit annually to each other type of adult care home licensed in the county. In addition, each committee may visit the adult care homes it serves whenever it deems it necessary to carry out its duties. In counties with subcommittees, the subcommittee assigned to a home shall perform the duties of the committee under this subsection, and a majority of the subcommittee members must be present for any visit. When visits are made to group homes for developmentally disabled adults, rules concerning confidentiality as adopted by the Commission

**North Carolina General Statutes Chapter 131D-30 & 131D-32
Adult Care Home Community Advisory Committees**

for Mental Health, Developmental Disabilities, and Substance Abuse Services shall apply.

(h) The individual members of the committee shall have the right between 10:00 a.m. and 8:00 p.m. to enter the facility the committee serves in order to carry out the members' responsibilities. In a county where subcommittees have been established, this right of access shall be limited to members of the subcommittee which serves that home. A majority of the committee or subcommittee members shall be present to enter the facility at other hours. Before entering any adult care home, the committee or members of the committee shall identify themselves to the person present at the facility who is in charge of the facility at that time.

(i) The committee shall prepare reports as required by the Department of Health and Human Services containing an appraisal of the problems of adult care homes facilities as well as issues affecting long-term care in general. Copies of the report shall be sent to the board of county commissioners, county department of social services and the Division of Aging.

(j) Nothing contained in this section shall be construed to require the expenditure of any county funds to carry out the provisions in this section. (1981, c. 923, s. 1; 1983, c. 88, s. 2; 1991, c. 636, s. 19(b); 1995, c. 254, s. 6; c. 535, s. 15; 1997-443, s. 11A.118(a).)



Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Consent Agenda

Item Number: 8.A
Meeting Date: July 18, 2016
Submitted By: Angela Wooten, Clerk to the Board
Administration
Prepared by: Angela Wooten

Item Title BOC Draft Minutes June 6Th, 2016

Attachments:

Summary:

June 6th, 2016 BOC Minutes - Draft

Recommendation:



Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Consent Agenda

Item Number: 8.B
Meeting Date: July 18, 2016
Submitted By: Angela Wooten, Clerk to the Board
Administration
Prepared by: Angela Wooten

Item Title BOC Draft Minutes June13th, 2016

Attachments:

Summary:

June 13th, 2016 BOC Minutes - Draft

Recommendation:



Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Consent Agenda

Item Number: 8.C
Meeting Date: July 18, 2016
Submitted By: Angela Wooten, Clerk to the Board
Administration
Prepared by: Angela Wooten

Item Title BOC Draft Minutes June20th, 2016

Attachments:

Summary:

June 20th, 2016 BOC Minutes - Draft

Recommendation:



Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Consent Agenda

Item Number: 8.D
Meeting Date: July 18, 2016
Submitted By: Angela Wooten, Clerk to the Board
Administration
Prepared by: Angela Wooten

Item Title BOC Draft Minutes July 5Th, 2016

Attachments:

Summary:

July 5th, 2016 BOC Minutes - Draft

Recommendation:



Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Consent Agenda

Item Number: 8.E
Meeting Date: July 18, 2016
Submitted By: Terri Smith,
 Taxes
 Prepared by: Terri Smith

Item Title **Refunds Over \$100.00**

Attachments: ca5e248f-e07e-469c-999b-1b907273ce79.pdf (PDF)
 Refunds over 100 (PDF)
 Refunds over 100 -2 (PDF)

Summary: Refunds Over \$100.00 for June, 2016

Recommendation: Review and Approve

REFUNDS OVER \$100.00



North Carolina Vehicle Tax System

NCVTS Pending Refund report

REFUNDS OVER \$100.00 JUNE/16

Payee Name	Primary Owner	Secondary Owner	Address 1	Address 3	Refunc Type	Bill #	Plate Number	Status	Transaction #	Refund Description	Refund Reason	Create Date	Authorization Date	Tax Jurisdiction	Levy Type	Change	Interest Change	Total Change	
RUSSELL, JOEY SHANE	RUSSELL, JOEY SHANE	RUSSELL, ANGIE RIGGS	139 WICKHAM RD	SHILOH, NC 27974	Proration	0026067936	EY3388	AUTHORIZED	50658286	Refund Generated due to proration on Bill #0026067936-2015-2015-0000-00	Tag Surrender	06/28/2016	6/29/2016 11:37:45 AM	1843	Tax	(\$176.22)	\$0.00	(\$176.22)	
														3	Tax	(\$2.59)	\$0.00	(\$2.59)	
																	Refund	\$178.81	

Submitted by Lisa S. Anderson Date 7-5-16
 Lisa S. Anderson, Tax Administrator Camden County

Approved by _____ Date _____
 P. Michael McLain, Chairman Camden County Board of Commissioners

<u>NAME</u>	<u>REASON</u>	<u>TYPE NO.</u>
Christopher Michael Foy	\$184.00 Turned in plates - for Refund	Pick-Up/19151 VTS-30278725
Ann Marie Loucks	\$115.56 Released - never lived in Camden	Pick-Up/19153 V-13010-00
Drachma, Inc.	\$2,932.63 Legal Fees	Pick-Up/19141 R-92399-15
Harry Spence c/o Mills Walston	\$190.44 Parcel created due to (2) 2014 survey billed with parent parcel.	Pick-Up/19140 R-94485-15
Joey Shane Russell	\$178.81 Turned in plates-for Refund	Pick-Up/19138 VTS-26067936
Abner Wayne Staples	\$208.41 Adjustment - Farm Use correction	Pick-Up/19159 R-93815-15

Attachment: Refunds over 100 (1304 : Refunds Over \$100.00)

<u>NAME</u>	<u>REASON</u>	<u>TYPE NO.</u>
Christopher Michael Foy	\$184.00 Turned in plates - for Refund	Pick-Up/19151 VTS-30278725
Ann Marie Loucks	\$115.56 Released - never lived in Camden	Pick-Up/19153 V-13010-00
Drachma, Inc.	\$2,932.63 Legal Fees	Pick-Up/19141 R-92399-15
Harry Spence c/o Mills Walston	\$190.44 Parcel created due to (2) 2014 survey billed with parent parcel.	Pick-Up/19140 R-94485-15
Joey Shane Russell	\$178.81 Turned in plates-for Refund	Pick-Up/19138 VTS-26067936
Abner Wayne Staples	\$208.41 Adjustment - Farm Use correction	Pick-Up/19159 R-93815-15

Attachment: Refunds over 100 -2 (1304 : Refunds Over \$100.00)



Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Consent Agenda

Item Number: 8.F
Meeting Date: July 18, 2016
Submitted By: Terri Smith,
Taxes
Prepared by: Terri Smith
Item Title Refunds Over \$100.00
Attachments: 20160711081246000.pdf (PDF)
Summary: Refunds Over \$100.00
Recommendation: Review and Approve

REFUNDS OVER \$100.00

CAMDEN COUNTY

Refunds to be Issued by Finance Office

Refund\$	Remit To:	Reference:	Drawer/Transaction Info:
105.32	CAMDEN COUNTY TAX OFFICE P.O. BOX 125 CAMDEN NC 27921	2008 V 0024847 apply refund to V33378/2008	20160708 99 226243
208.41	STAPLES, ABNER WAYNE 1358 SOUTH 343 SHILOH NC 27974	2015 R 03-8972-00-83-3514.0000 farm use correction	20160708 99 226250

313.73 Total Refunds ***

Submitted by Lisa S. Anderson Date 7-8-16
Lisa S. Anderson, Tax Administrator Camden County

Approved by _____ Date _____
P. Michael McLain, Chairman Camden County Board of Commissioners



CAMDENCOUNTY

new energy. new vision.

Board of Commissioners AGENDA ITEM SUMMARY SHEET

Consent Agenda

Item Number: 8.G
Meeting Date: July 18, 2016

Submitted By: Terri Smith,
Taxes
Prepared by: Terri Smith

Item Title **DMV Monthly Report**

Attachments: 20160708082126243.pdf (PDF)

Summary: DMV Monthly Report September Renewals Due 10/15/2016

Recommendation: Review and Approve

STATE OF NORTH CAROLINA

COUNTY OF CAMDEN

TO: The Tax Administrator of Camden County September Ren. Due 10/15/16

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the office of the Tax Administrator and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon personal property of the respective taxpayers in the County of Camden, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell personal property of such taxpayers for and on account thereof, in accordance with the law.

SOUTH MILLS	COURTHOUSE	SHILOH	TOTAL
17,988.93	18,859.71	11,219.75	48,068.39

Witness my hand and official seal this _____ day of _____

Chairman, Camden County Board of Commissioners

Attest:

Clerk to the Board of Commissioners of Camden County

This is to certify that I have received the tax receipts and duplicates for collection in the amounts as listed herein.

Lisa J. Anderson
Tax Administrator of Camden County

Attachment: 20160708082126243.pdf (1305 : DMV Monthly Report)



CAMDENCOUNTY

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Board of Commissioners AGENDA ITEM SUMMARY SHEET

Consent Agenda

Item Number: 8.H
Meeting Date: July 18, 2016

Submitted By: Lisa Anderson, Tax Administrator
 Taxes
 Prepared by: Angela Wooten

Item Title **Tax Collection Report - June**

Attachments: Tax Collection Report - June (PDF)

Summary:

Recommendation:



CAMDENCOUNTY

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Board of Commissioners AGENDA ITEM SUMMARY SHEET

Consent Agenda

Item Number: 8.I
Meeting Date: July 18, 2016
Submitted By: Angela Wooten, Clerk to the Board
Administration
Prepared by: Angela Wooten

Item Title **Volunteer Applications**

Attachments: Trillium_Vol_McLain (PDF)
Senior_Vol_McLain (PDF)

Summary:

Recommendation:



Application for Citizen Service -Volunteer Form

If you are a citizen of Camden County and would like to serve on one of the County's boards or commissions, please complete this application and return it to the County Manager's Office, 330 East HWY 158, and mail to: P.O. Box 190, Camden, North Carolina 27921 or e-mail info@camdencountync.gov.

Name: P. Michael McLain

Mailing Address: 124 Pine Street Camden NC 27921

Township you live in: Camden

Telephone (home): 335-2852 (business): 619 6299

Email address: maklaipm@gmail.com

Are you a registered voter? Yes No

Have you ever been convicted of a felony? Yes No

Please identify any talent, interest, skill, experience or educational preparation which might be helpful to a board or commission:

CPA DBA Accounting

Boards or Commissions upon which you are interested in serving: _____

Trillium Regional Advisory Board

As a member of a Board or Commission, you will be expected to attend at least 75% of the meetings. Please note the by-laws of some Boards and Commissions limit the number of terms served. This application is a notification of your interest to serve on a Board or Commission to be considered by the Board of Commissioners when a vacancy occurs. Thanks for your interest in Camden County Government

Signature: [Handwritten Signature] Date: 7-14-16



Application for Citizen Service -Volunteer Form

If you are a citizen of Camden County and would like to serve on one of the County's boards or commissions, please complete this application and return it to the County Manager's Office, 330 East HWY 158, and mail to: P.O. Box 190, Camden, North Carolina 27921 or e-mail info@camdencountync.gov.

Name: P. Michael McLain

Mailing Address: 124 Pine St Camden NC 27921

Township you live in: Camden

Telephone (home): 2523352852 (business): 2526196299

Email address: mcklaipm@gmail.com

Are you a registered voter? Yes No

Have you ever been convicted of a felony? Yes No

Please identify any talent, interest, skill, experience or educational preparation which might be helpful to a board or commission:

VITA Tax Services

Boards or Commissions upon which you are interested in serving:

Senior citizens

As a member of a Board or Commission, you will be expected to attend at least 75% of the meetings. Please note the by-laws of some Boards and Commissions limit the number of terms served. This application is a notification of your interest to serve on a Board or Commission to be considered by the Board of Commissioners when a vacancy occurs. Thanks for your interest in Camden County Government

Signature: [Handwritten Signature] Date: 7-5-2016



Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Information, Reports & Minutes From Other Agencies

Item Number: 11.A
Meeting Date: July 18, 2016

Submitted By: Angela Wooten, Clerk to the Board
Administration
Prepared by: Angela Wooten

Item Title 2016-2017 Final State Budget Summary

Attachments: finalbudgetreport (PDF)

Summary:

Recommendation:



2016-2017 FINAL STATE BUDGET SUMMARY

July 6, 2016

The NC General Assembly finalized the 2016-2017 state budget on the last day of the legislative session, also the first day of the new fiscal year. Counties will benefit from the inclusion of \$40 million in additional funds for behavioral health initiatives, including recommendations from the Governor’s Task Force on Mental Health and Substance Abuse. Strong advocacy work by NCACC and member counties, including a letter of support from the association board, contributed to these recurring and non-recurring funds being included in the final budget.

The budget contains noticeably more earmarks than in recent history, not surprising in an election year with several tight statewide races. State employees receive a 1.5 percent salary increase and a .5 percent bonus, and the legislature set aside \$28 million for one-time merit bonuses (including a \$12 million shift of funds from a market adjustment reserve fund). While state retirees received an increase, local government retirees did not. The Emergency Response and Disaster Relief Fund (rainy day fund) grew by \$10 million.

Finance Provisions

The NC General Assembly again made significant changes to the state’s tax and revenue structure. They increased the standard deduction for personal income tax across all filing statuses, and shifted the basis for determining what portion of a multi-state company’s income is taxable in North Carolina. The shift in corporate taxation, over time, will focus the decision more on where customers are located than where the good or service is produced, or where the company has facilities. The bill also gives retailers a “good faith” exception to compliance with taxing the services, and expands special sales tax treatment to recyclers, metal fabricators and ports.

The budget also makes the following finance changes that directly impact local revenues:

- Eliminates the \$17.6 million state contribution to the local sales tax distribution, which was a part of last year’s sales tax distribution compromise and was designed to hold all counties harmless for the first year of the new plan; rationale for repeal was that the expanded base brought in more revenue than anticipated
- Expands the types of retailers that must levy the recently enacted sales tax on repair, maintenance and installation services
- Repeals the sales tax on automotive service contracts and limits the tax on the repair and maintenance of airplanes and boats
- Extends by five years a narrowly drawn property tax exclusion related to damaged land previously used for commerce or industry donated to a nonprofit



Health and Human Services

The General Assembly's adjustments to the Health and Human Services budget increase funding for mental health programs, fund programs and block grants tied to child welfare services, and increase funds for NCFAST development and implementation including childcare, child services and Medicaid Eligibility Requirement components. The adjusted HHS budget is just more than \$5 billion. This is less than the enacted biennial budget because of the Medicaid rebase, which reflects a reduction of more than \$310 million due to less-than-forecasted enrollment, utilization and pricing of Medicaid.

- Provides \$10 million recurring and \$10 million non-recurring in reserves to implement recommendations from the Governor's Mental Health and Substance Abuse Task Force; Prior to spending these funds, DHHS must obtain approval from OSBM on an implementation plan and report the plan to the Joint Legislative Oversight Committee on HHS and the Fiscal Research Division
- Directs \$18 million from the sale of the Dorothea Dix property for new or converted behavioral health beds in rural areas with the highest need, with \$2 million from the sale going to competitive grants for two new crisis centers for children
- Appropriates \$500,000 for an opioid use disorder treatment pilot program
- Directs DHHS to develop a plan to improve efficiency and effectiveness of mental health services, and directs the General Assembly to create subcommittees on Behavioral Health Services within the two interim oversight committees on HHS and Medicaid
- Appropriates \$300,000 to create seven new positions in DHHS to help counties improve Medicaid timeliness through data analysis, guidance and performance standard development
- Implements recommendations from a [legislative report on Medicaid eligibility timeliness](#); including a process for temporary assumption of Medicaid processing by DHHS if a county fails to meet timeliness goals as part of a 12-18 month joint corrective action plan
- Funds almost \$8.6 million to implement the requirements from a federal Program Improvement Plan to bring the state into compliance with national child welfare standards; directs the funds to child welfare and child protective services programs to meet findings of a [2014-15 child protective services evaluation](#) of county performance, caseload sizes, administrative structure, adequacy of funding, social worker turnover, monitoring and oversight
- Directs more than \$3.4 million from block grants to state and county child welfare initiatives, training and program improvements; provides more than \$700,000 to create 15 new positions in DHHS to provide training and oversight to counties in the development of child welfare services improvement plans
- Increases Work First County Block Grants by \$2 million and Social Services Block Grants for counties by \$107,259, redirects TANF block grants for the Pre-K and Child Care Subsidy programs in lieu of appropriations and reduces LIEAP block grants for county DSS Administration by \$352,637



- Appropriates just more than \$1.3 million recurring for 260 additional children in the Child Care Subsidy program;-directs a study of how childcare subsidy rates are set while increasing the childcare subsidy market rate for certain facilities serving ages 3-5 in tier 1 and 2 counties
- Appropriates \$14.8 million to local health departments to offset reduced Medicaid reimbursement rates on the delivery of direct patient services
- As part of a temporary \$34 per patient increase in payments, appropriates \$3.75 million non-recurring for facilities that serve recipients of State-County Special Assistance funds; directs counties to fund 50% of the costs to cover these patients and sunsets the entire provision no later than June 30, 2017

Public Education

The House's budget spends \$12.7 billion on Education, representing 57% of the General Fund Budget.

K-12:

- Funds salary and experience-based step increases for teachers to provide an average salary increase of 4.7%; increases the expected average salary for teachers from all fund sources to more than \$50,150 in FY 2016-17
- Appropriates \$1 million recurring and \$100,000 non-recurring for a 3-year pilot program to develop a model compensation structure that would allow classroom teachers to take on advanced teaching roles
- Funds a Teacher Assistants Tuition Reimbursement program to provide tuition assistance grants of up to \$4,500 annually for 25 teacher assistants working in Anson, Franklin, Moore, Richmond, and Scotland Counties who are pursuing a college degree that will result in teacher licensure
- Appropriates an additional \$46.8 million to account for a net ADM increase of 5,875 students
- Continues the fixed appropriation of \$100 million in lottery proceeds for school capital needs
- Budgets \$57 million recurring in additional lottery receipts to fully support non-instructional support personnel, for a total of \$372 million recurring in lottery funds for this allotment
- Directs legislative staff to contract for an independent assessment of school construction needs and to determine which LEAs have the highest facility needs in relation to their capacity to raise revenue
- Modifies small school system funds eligibility to provide that an LEA shall not become ineligible if either of the following would otherwise have made the LEA ineligible: the higher of the first two months (1) total projected ADM for the current year or (2) total prior year ADM
- Extends use of the motor vehicle registration late fee as a dedicated revenue source for driver education beyond fiscal 2017-18



- Reduces the percentage of teachers at a particular charter school that must reside within North Carolina to 80%; changes criteria that are used in measuring virtual charter school's withdrawal rate
- Modifies the overall school performance grade scale for the next three fiscal years from a 10-point to a 15-point scale
- Changes the funded class size allotment ratio for grades K-3

Community Colleges:

- Provides \$25,000 non-recurring to create a continuing education program in community colleges for finance officers in local governments and public authorities
- Appropriates funds for 3 positions and related software licenses to administer the Connect NC Bond program within the Community College System Office; the Community College System will receive \$350 million through the Connect NC Bond for facility construction and renovation
- Provides that the Career- and College-Ready Graduates program, which introduces college developmental mathematics, reading and English curriculums in the high school senior year, shall be fully implemented in all high schools statewide beginning with the 2018-19 school year.

Justice and Public Safety

Department of Public Safety

- Repeals the statute that transfers 5% of the Statewide Misdemeanant Confinement Fund annually to the NC Sheriffs Association and directs only \$1 million to the Sheriffs Association for its administration of the program
- Requires DPS to report annually on the status of programs funded through the Treatment for Effective Community Supervision Program; the report must include information regarding recidivism reduction services, community intervention centers, transitional and temporary housing, local reentry councils, and intensive outpatient services
- Provides \$507,784 non-recurring for the construction and development of first-generation School Risk Management Plans for public schools in accordance with G.S.115C-105.49
- Appropriates \$8 million for the purchase of a new plane for the SBI Airwing
- Funds Operation Medicine Drop, an SBI program that organizes events for citizens to bring unused medications to a central location for safe disposal

Justice

- Funds equipment and utilities to operate the new Western Crime Lab in Edneyville, scheduled to be completed in February 2017



- Provides additional funds for equipment needs at State Crime Lab facilities in Raleigh and Greensboro
- Appropriates an additional \$2 million non-recurring for the State Crime Lab to outsource toxicology and DNA cases
- Directs the Justice Academy to develop an online training course on the use of social media and make it available to law enforcement officers in the state

Judicial

- Provides funds to the Administrative Office of the Courts to digitize mental health records to facilitate clerks' compliance with the requirement to transmit judicial determinations as to certain disqualifiers for firearms permitting to the National Instant Criminal Background Check System (NICS) within 48 hours
- Restores assistant district attorney positions in District 9A (Caswell and Person), District 15B (Orange and Chatham), and District 20B (Union), which were eliminated as part of AOC's voluntary reduction in force program in FY 2011- 12
- Provides one additional district court judge in Districts 19A (Cabarrus) and 27B (Cleveland)

Environmental Quality

- Expands the use of funds for aquatic weed control projects to projects outside of lakes
- Appropriates almost \$18.8 million non-recurring in additional funds for water and wastewater infrastructure grants; designates some Division of Water Infrastructure funds to specific projects in counties and cities across the state
- Delays Jordan and Falls lakes nutrient management rules until at least 2019 and 2022 respectively; directs the Environmental Management Commission to review nutrient management rules in the lakes; provides \$500,000 annually to UNC-Chapel Hill to study strategies in the lakes during delay of rules
- Moves up the sunset of the Mercury Switch Removal program from December 31, 2017 to June 30, 2017; some funds from this program flow to counties to help with mercury recycling and management programs
- Restores \$16.2 million in recurring funding from motor fuels tax for the Commercial Leaking Underground Petroleum Storage Tank Program
- Appropriates almost \$6.3 million to DEQ for the state share of federal Water Resources Development Projects; local funds matching the state and federal share will total \$5.4 million
- Directs DEQ to consolidate data and studies on storm damage reduction and beach nourishment projects; directs the tax offices in Brunswick, New Hanover, Pender, Onslow, Carteret, Hyde, Dare, and Currituck counties to provide information from their records on property located inside and outside these counties and outside of the state



Agriculture and Consumer Services

- Provides \$1 million to the Agriculture and Farmland Preservation fund for military buffers
- Reduces funding for the Animal Shelter Support Program by \$100,000
- Removes the requirement that a non-profit under contract with a county to operate a spay/neuter clinic contract with a local veterinarian; expands the definition of “low-income person” eligible for pet spay/neuter assistance to include those who qualify for various public assistance programs
- Adds a position in the department’s Animal Welfare Section to provide voluntary consultation to public and private animal shelters
- Transfers remaining balance of swine waste fund to Department’s marketing division and appropriates \$500,000 in nonrecurring funding for marketing of North Carolina agricultural products abroad
- Provides \$250,000 in nonrecurring funds to make fresh fruits and vegetables available in food-deserts across the state; retailers receiving the funds must accept Supplemental Nutrition Assistance Program and Special Supplemental Nutrition Program for Women, Infants and Children benefits

Commerce

- Allows the department to use \$1.25 million in deobligated CDBG funds for the State Broadband Plan and requires the department to report on its broadband initiatives and use of funds by February 1, 2017
- Provides \$250,000 each from the Rural Economic Development Division for broadband projects in Cumberland and Stokes counties
- Would (?) transfer almost \$4.5 million in deobligated CDBG funds to the Dept. of Environmental Quality for water and sewer projects for public schools

Transportation

- Limits ferry tolls to four routes and prohibits the Board of Transportation from tolling any other route
- Establishes a reserve account for capital improvements to the ferry system; appropriates \$4 million recurring and \$6 million non-recurring to the account
- Increases recurring funding by \$2 million to the Rural Operating Assistance Program for public transit
- Increases the threshold for which construction projects are subject to bidding requirements from \$2.5 million to \$5 million



- Shifts the formula for the unpaved secondary road program to allocate 50 percent of the funds by statewide prioritization and 50 percent evenly among the 14 highway divisions
- Repeals the \$500,000 cap on transit projects from last year's budget; limits total state funding of a light rail project to 10 percent of the total project cost
- Makes permanent 44 time-limited positions in the Tag and Tax program paid for by local government fees to administer the program
- Authorizes \$7.5 million non-recurring funds for dredging approaches to state ports

Miscellaneous

- Adds three types of cancers to the list of diseases for which a firefighter is presumed to have been killed for purposes of death benefits
- \$500,000 for the Dept. of Information Technology to create a cybersecurity apprenticeship program for disabled veterans in the state with a competitive process to select five applicants in year one, with the option to expand the program beyond the current fiscal year
- Provides funds to make the NC Building Code fully online and searchable



Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Information, Reports & Minutes From Other Agencies

Item Number: 11.B

Meeting Date: July 18, 2016

Submitted By: Angela Wooten, Clerk to the Board
Administration
Prepared by: Angela Wooten

Item Title **Register of Deeds Monthly Report**

Attachments: RoD Monthly Report - June 2016 (PDF)

Summary:

Register of Deeds Monthly Report - June

Recommendation:

Ledger Report - Fee Distribution

Printed: 7/1/2016

TAMMIE KRAUSS, REGISTER OF DEEDS

Camden County, NC

6/1/2016 - 6/30/2016

NC Children's Trust Fund	\$25.00
NC Domestic Violence Fund	\$150.00
State Revenue Stamp	\$5,279.75
County Revenue Stamp	\$5,495.25
Land Transfer Fee	\$0.00
Floodplain Map Fund	\$0.00
Supplemental Retirement	\$91.32
ROD Automation Fund	\$568.11
Dept Of Cultural Resources	\$0.00
Vital Records Fund	\$0.00
State General Fund	\$0.00
State Treasurer Amount	\$768.80
ROD General Fund	\$4,484.72
Total Distribution For Period	\$16,862.95

Cash Total	\$696.00
Check Total	\$16,166.95
Pay Account Total	\$0.00
Overpayment Total	\$0.00
Total Deposit For Period	\$16,862.95

Total Escrow Change \$0.00

Camden County Register of Deeds: Tammie Krauss
June 2016 Daily Deposit

DATE	NC CHILDREN TRUST	NC DOM. VIO. FUND	STATE REV. STAMPS	COUNTY REV. STAMPS	RETIREMEN AUTO FUND	STATE TREASURY	ROD GENERAL	TOTAL	
06/01/16	\$ -	\$ -	\$ 302.82	\$ 315.18	\$ 3.52	\$ 23.87	\$ 18.60	\$ 852.70	
06/02/16	\$ -	\$ -	\$ 63.70	\$ 66.30	\$ 2.71	\$ 16.04	\$ 31.00	\$ 311.10	
06/03/16	\$ -	\$ -	\$ 279.30	\$ 290.70	\$ 6.16	\$ 34.25	\$ 74.40	\$ 980.05	
06/06/16	\$ 5.00	\$ 30.00	\$ 302.82	\$ 315.18	\$ 7.35	\$ 45.08	\$ 62.00	\$ 1,108.00	
06/07/16			\$ 200.90	\$ 209.10	\$ 1.20	\$ 6.61	\$ 12.40	\$ 489.70	
06/08/16	\$ -	\$ -			\$ 0.72	\$ 4.11	\$ 6.20	\$ 47.95	
06/09/16	\$ 5.00	\$ 30.00	\$ 21.56	\$ 22.44	\$ 2.67	\$ 13.48	\$ 18.60	\$ 222.00	
06/10/16	\$ 5.00	\$ 30.00	\$ 11.76	\$ 12.24	\$ 4.56	\$ 25.96	\$ 31.00	\$ 328.00	
06/13/16			\$ 318.50	\$ 331.50	\$ 3.91	\$ 23.98	\$ 43.40	\$ 911.00	
06/14/16	\$ 5.00	\$ 30.00			\$ 2.04	\$ 10.58	\$ 6.20	\$ 136.00	
06/15/16			\$ 280.77	\$ 292.23	\$ 7.59	\$ 52.15	\$ 68.20	\$ 1,079.00	
06/16/16					\$ 0.39	\$ 1.94	\$ 6.20	\$ 26.00	
06/17/16			\$ 778.12	\$ 809.88	\$ 4.71	\$ 30.53	\$ 43.40	\$ 1,902.30	
06/20/16			\$ 486.08	\$ 505.92	\$ 4.23	\$ 25.42	\$ 49.60	\$ 1,274.00	
06/21/16			\$ 201.39	\$ 209.61	\$ 3.06	\$ 20.84	\$ 18.60	\$ 614.75	
06/22/16			\$ 406.21	\$ 422.79	\$ 6.67	\$ 43.44	\$ 43.40	\$ 1,273.65	
06/23/16					\$ 2.28	\$ 14.43	\$ 18.60	\$ 152.00	
06/24/16			\$ 622.30	\$ 647.70	\$ 8.25	\$ 55.14	\$ 43.40	\$ 1,819.75	
06/27/16	\$ 5.00	\$ 30.00	\$ 209.72	\$ 218.28	\$ 3.93	\$ 22.45	\$ 24.80	\$ 690.00	
06/28/16					\$ 3.12	\$ 20.61	\$ 24.80	\$ 208.00	
06/29/16			\$ 505.19	\$ 525.81	\$ 8.47	\$ 54.11	\$ 80.60	\$ 1,596.00	
06/30/16			\$ 288.61	\$ 300.39	\$ 3.78	\$ 23.09	\$ 43.40	\$ 841.00	
								0.00	
								\$ -	
TOTAL	\$ 25.00	\$ 150.00	\$ 5,279.75	\$ 5,495.25	\$ 91.32	\$ 568.11	\$ 768.80	\$ 4,484.72	\$ 16,862.95



Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Information, Reports & Minutes From Other Agencies

Item Number: 11.C
Meeting Date: July 18, 2016

Submitted By: Angela Wooten, Clerk to the Board
Administration
Prepared by: Angela Wooten

Item Title NCACC Review of 2016 Short Session

Attachments: finalreport2016_201607081408497156 (PDF)

Summary:

Recommendation:



The 2016 Short Session saw multiple benefits to counties in the form of budget appropriations, legislation passed, and legislation that did not cross the finish line. The NC General Assembly's Adjournment on the first day of fiscal year was earlier than usual, though the session convened about three weeks sooner than is typical. Rancor between chambers throughout final day – when deals between House and Senate leadership began to fall apart – led to an abrupt ending soon after the final budget vote, leaving many bills unexpectedly dead.

NCACC made progress on the county goal to repeal statutory authority for local school boards to sue county commissioners. The final budget includes large appropriations to behavioral health initiatives, including recommendations from the Governor's Task Force on Mental Health and Substance Abuse, to help counties. (Click here for our final budget report.) Many pieces of legislation that tried to limit local government authority were stopped or their negative impacts were vastly reduced.

SHORT SESSION PRIORITY GOALS

Counties directed NCACC to focus on three of its biennial goals during the short session.

Seek legislation to repeal the statutory authority under NCGS 115C-431(c) that allows local school boards to file suit against a county board of commissioners over county appropriations for education.

Last session, the House rejected a bill that would have achieved one of the counties' priority goals for the biennium--to repeal the statutory provision explicitly allowing local school boards to file suit against county boards of commissioners to dispute the sufficiency of education appropriations. [H726](#) (School Bds. Can't Sue County) passed a House Judiciary committee, but was voted down on the House floor by a vote of 66-52. Much later in the session, the Senate resurrected the issue by amending H561 (School System Auth. Re Legal Proceedings) to impose a five-year moratorium on school board lawsuits against county commissioners. The House did not concur in the Senate amendment to H561, and a conference committee of House and Senate members did not convene before the 2015 session adjourned, which left H561 eligible for consideration this session.

After months of discussions between the NCACC advocacy team, key members of the conference committee and other stakeholders, the conferees for [H561](#) settled on a conference report that would require a thorough examination of the issue. The final bill does not include a moratorium on school board lawsuits, but directs legislative staff to conduct a comprehensive study of the school funding dispute resolution process set forth in G.S. 115C-431.

During the study, the Division will examine a number of factors, including how often mediation and litigation have been used to resolve education funding disputes, the impact the current process has had on relationships between the boards, and the cost to taxpayers. The Division will then make

recommendations for alternative ways to resolve these disputes or modifications to the current process and report to the Joint Legislative Oversight Committee on Program Evaluation no later than May 1, 2017. Both the House and Senate adopted the conference report for [H561](#). NCACC extends its profound thanks to all members of the H561 conference committee and all sponsors of [H726](#) for their work on and support of this issue.

Despite reluctance to do so on a statewide basis, the General Assembly approved two local bills that impose a moratorium on school board lawsuits against county commissioners. [S881](#) (Union County School Funding) institutes a one-year suspension on lawsuits filed by the Union County school board against the board of county commissioners on the basis of education funding. The bill provides that the two boards shall meet periodically during the interim to facilitate “a greater mutual understanding of immediate and long-term budgetary issues and constraints affecting public schools and county governments.” The boards are directed to assess school capital needs and develop a joint five-year plan for meeting those needs. The agreed-upon plan is to be considered in preparing and approving the budget ordinance for the 2017-18 fiscal year.

[S382](#) (Revision of SB 612) amends the law that provided for the merger and consolidation of the school administrative units in Nash County and the City of Rocky Mount. The bill sets forth new funding requirements for Nash-Rocky Mount Schools (NRMS) and establishes a 10-year moratorium on litigation related to local funding for that school administrative unit. The bill further provides that if Edgecombe County or the City of Rocky Mount fail to provide the funding as required, the portion of NRMS located in Edgecombe County will transfer to the Edgecombe School Administrative Unit.

Seek legislation to authorize local option revenue sources already given to any other jurisdiction.

NCACC sought to address this goal by expanding the use of the Article 43 transit tax to all counties for education purposes, and by providing the option for a county to seek up to ½ cent through Article 46 (currently limited to ¼ cent). Language to this effect was included in two bills during the 2015 session, [H518](#) sponsored by former NCACC President Rep. Howard Hunter among others, and in a House rewrite of [S605](#), which passed the House but was not considered by the Senate. NCACC advocates and members made multiple efforts to revive the legislation through various channels, but the Senate was unwilling to pursue the change in an election year.

Support legislation, regulations and funding that would preserve local option and authority where needed to deploy community broadband systems and ensure community access to critical broadband services.

Promising work early in session to authorize counties to install and lease digital infrastructure in partnership with private providers ran into opposition late in session. At the beginning of the short session, NCACC reached agreement with industry on language, found a relevant legislative vehicle while receiving agreement from the bill’s original sponsors, and identified champions in the House and Senate. Ultimately, however, continued concerns in the Senate about the municipal level playing field law from 2011, about counties getting into private enterprise, and about providing grants to large corporations stalled our efforts as session came to a close. There was some progress on this goal in the budget with

\$1.25 million to help with the State Broadband Plan as well as \$500,000 in total for two broadband initiatives in Cumberland and Stokes counties. Furthermore, legislators are noticing this issue and discussing it more and more as a necessary tool for counties to attract industry and educate students.

MAJOR INITIATIVES LEFT UNDONE AT THE END OF SESSION

Many bills with serious policy implications did not become law, but counties should expect to see some of them reappear next year. While several received a great deal of publicity, others progressed more quietly.

The Senate modified and passed [H100](#) (Local Government Immigration Compliance) and [H3](#) (Omnibus Constitutional Amendments), but the House chose not to consider either of these bills. The proposed constitutional amendments would lower the state income tax cap to 5½ percent, almost half of its current cap of 10 percent; require a specified amount of the annual state budget to be added to the “rainy day fund” and require a two-thirds vote of both the House and Senate to spend those funds in an emergency; put the statutory language specifying when a government can condemn property under its eminent domain authority into the state constitution; and affirmatively state that people have the right to hunt, fish and harvest wildlife in the state.

[H100](#) would penalize counties by withholding school construction funds if the county or county law enforcement agency fails to comply with state immigration laws related to E-verify, sanctuary ordinances and acceptable forms of identification. It would require the Attorney General to investigate all complaints alleging that a county, city or local law enforcement agency is in violation of a state immigration law.

The bill states that if the Attorney General determines that a complaint is verified, all affected local governments shall be ineligible to receive distributions under the Public School Building Capital Fund and the Powell Bill funds for the first year following the date of noncompliance. An "affected local government" is defined as either a county or a city that fails to comply, or a county or a city whose law enforcement agency is not in compliance. The bill further provides that if the violation is not cured within 60 days of the Attorney General’s determination, the affected local governments will lose these sources of funding for an additional year.

[H100](#) raises a number of concerns for counties. It would create a process by which a county would be penalized for the conduct of its local sheriff, an independently elected office over which the county has no supervision or control. In addition, the bill as drafted presents some ambiguity as to whether a county could be deprived of critical school construction dollars if a city or municipal police department located within the county is found to have violated the state’s immigration laws.

On the other hand, the Senate never took up several bills the House sent to that chamber. A bill requiring tests for certain contaminants in drinking and recreational water, [H1074](#) (Schools/CC Facilities – Test Water for Lead), appeared late in session. It would have required public schools and childcare facilities built before 1987 to test drinking water for lead and, depending on the results, take subsequent remedial action. In response to the death of a visitor to a whitewater park from a rare amoebic

infection, the House amended the bill to include regulation of health and safety at water recreation attractions and to require a legislative study of health requirements for such parks.

[S778](#) (Performance Guarantees/Subdivision Streets) was in response to a law passed last year prohibiting counties from requiring bonds for maintenance of subdivision roads until they become part of the state highway system. The legislation would have established such authority, though it was drafted to give great discretion to the developer. It also would have changed how improvements to roads around schools are determined and shifted most of the cost to the Dept. of Transportation. The Senate had concerns about how much the legislation would cost DOT.

Other bills passed by the House yet largely ignored by the Senate include:

- [S1047](#) (Welfare Reform/Food and Nutrition Benefits), the bill requiring the NC Education Lottery to share names of winners over a certain dollar amount with the Dept. of Health and Human Services to cross-check those names with those receiving FNS benefits, with the possible end result being disqualification for receipt of benefits;
- [S29](#) (County Eugenics Compensation Authority), which would authorize counties to compensate individuals sterilized under individual county eugenics programs.

The two chambers could not agree on [S371](#) (LME/MCO Claims Reporting/Mental Health Amends), or regulatory reform legislation, both of which are covered in more detail elsewhere in this report. Efforts to revive [S554](#) (School Building Leases) continued up to the last minute. This legislation would give school boards greater flexibility to enter into operating leases with private developers for school buildings, and creates a financing structure where operational savings from school consolidation may be used for capital expenses. Concerns about the financing policy, the 40-year allowable debt repayment timeframe, and the commitment of future legislatures to appropriate operational funding for capital uses delayed movement of the bill in the House. A final attempt to add a modified version to a bill regarding background checks for teachers failed, and possibly caused the ultimate failure of the bill to which it was attached. Finally, [S846](#) (Change the LOST Adjustment Factor) never moved in the Senate. While its provision to repeal the \$17.6 million that was part of the sales tax distribution compromise from last session was included in the state budget, the attempt to change the sales tax adjustment rate factor from county-specific rates to rates tied to a county's economic tier designation was not part of any final legislation.

OMNIBUS REGULATORY REFORM LEGISLATION STALLS AT THE END OF SESSION

The legislature attempted to tackle regulatory reform this session through three separate pieces of legislation. The House passed [S303](#) (Regulatory Reform Act of 2016) while the Senate moved two bills through their chamber: [H593](#) (Amend Environmental and Other Laws) and [H169](#) (Regulatory Reduction Act of 2016). While conferees worked until the last hours of session to combine the three bills into a single omnibus regulatory reform act, in the end, the General Assembly could not agree to a final version and did not pass a regulatory reform bill for the first time in a number of sessions. [H169](#) later passed both chambers as an unrelated bill dealing with state claims for wrongful discharge. The

following provisions of note to counties appeared in the different versions of reg reform throughout this short session.

- In the House's original changes to [S303](#), the bill set a three-year statute of limitations on enforcing certain land use violations that can be seen from a public right of way. The bill was later amended to set a three-year statute of limitations on violations that are known by the county government, have been reported to the county or are part of the public record. It would set a six-year statute of limitations on violations that can be seen by the public and are not hazardous to public health or safety. NCACC worked to oppose this provision throughout session.
- [S303](#) also would have exempted subdivision ordinances from applying in certain cases including a five-acre lot divided up to three times. Thanks to efforts by our counties contacting legislators, the bill was amended to limit this provision to once every 10 years while still requiring certain zoning, ingress and egress regulations to be met.
- The Senate amended [H169](#) to repeal the state's electronics recycling program while also lifting the ban on landfilling electronics. This issue arose from an interim report and recommendations by the Department of Environmental Quality; however, the House never included it in its regulatory reform legislation.
- [H169](#) also repealed yard waste permitting requirements while allowing counties to continue regulating the collection, storage and disposal of yard waste.
- [H593](#), the Senate's second regulatory bill, contained a section allowing life-of-site franchise agreements for landfills with franchises in place prior to Oct. 1, 2015. These would only execute if all parties, including the local government, agreed to the life-of-site extension. Furthermore, this would have clarified that life-of-site franchises could not extend beyond 60 years.
- [H593](#) would also allow a county to satisfy accessibility requirements for public records by making records or databases available online in downloadable format. Counties that also offer hard copies of documents may charge fees to a requester for the cost of providing those copies.

While an omnibus regulatory reform bill did not pass this session, some individual bills with significant impacts to county regulatory authority did gain traction toward the end of session. In particular, [H483](#) (Land-Use Regulatory Changes) began moving late in session with changes in the Senate. The bill ultimately passed the House and Senate on the last day of session but, due to efforts by our counties, the negative impact was mitigated substantially.

The original version of the bill made complex changes to land-use regulatory statutes. These would have incentivized litigation against counties, constrained county authority to apply land-use changes to multiphase developments, and shifted performance guarantee decisions to developers limiting county ability to recover costs for unsafe infrastructure. The version of [H483](#) that ultimately passed only addressed multiphase developments in one provision, which allowed certain developments to lock in existing land-use regulations for seven years. [H483](#) was presented to the Governor on July 1. We appreciate all the work our counties did in contacting legislators to address concerns with early drafts of this bill.

While [H483](#) passed with significant improvements thanks to county efforts, the House rolled out changes to [S326](#) (Local Gov'ts/Blds/Structures/Inspection) in the Rules committee in the last week. This bill limits the number of times and areas where a local government can use periodic inspections to review possible violations at homes and apartments, while also limiting the authority of counties to register and track repeat violators, and recover fees from repeat violators. While the practical impact to counties is unclear, NCACC heard concerns from a few members and worked to modify the bill. Ultimately the House passed the bill and the Senate concurred with the House's changes on the final day of session.

H2 CHANGES GENERATE MUCH DEBATE BUT LIMITED OUTCOME

Throughout the session, speculation and rumors swirled as to what, if any, action the legislature would take to address concerns regarding the recently passed [H2](#) (Public Facilities & Security Act). [H2](#), passed during a special session in March, prohibits local governments from enacting regulations that ban discrimination. Instead, the bill creates a statewide law that bans discrimination on the basis of "race, religion, color, national origin or biological sex," which is defined as the sex stated on a person's birth certificate. The law does not include sexual orientation and gender identity as categories protected from discrimination and directs all public schools, college campuses and government agencies to require bathrooms or locker rooms to be designated for use only by people based on their biological sex.

[H2](#) also restricts counties and cities from regulating employment practices, i.e. counties and cities cannot require contractors to abide by regulations or controls on employment contracts as a condition of bidding for work. In addition, the bill eliminates causes of action for workplace discrimination in state court.

On the final day of the session, the House and Senate approved a bill to undo the provision in H2 regarding workplace discrimination suits. [H169 Restore State Claim for Wrongful Discharge](#) restores the right of workers to bring a claim in state court for unlawful employment discrimination. However, the bill shortens the time for filing such a claim from three years to one year. H169 passed the House by a vote of 85-15, and the Senate by a vote of 27-14. The bill has been sent to the Governor for his consideration.

OTHER BILLS OF INTEREST TO COUNTIES

Following an [interim report](#) on Medicaid application processing timeliness from the legislative Program Evaluation Division, the House and Senate introduced companion bills [H1087/S841](#) (Medicaid Eligibility Timeliness/Funds) setting up a multi-step system for addressing timeliness including the possible takeover of processing similar to the current framework for child welfare services. This system was ultimately passed in the budget. If a County DSS has consistent issues meeting Medicaid timeliness requirements, the first step is a 12-18 month joint corrective action plan that would include specific responsibilities and actions for DHHS and the county. If a county does not meet targets in the plan, following a 90-day notice, DHHS will take over processing until timeliness improves. A county can appeal this takeover determination to the Office of Administrative Hearings.

As the state transitions toward a new model for physical and behavioral health service delivery through Medicaid reform and LME/MCO reorganization, the House and Senate released a conference report on [S371](#) (LME/MCO Claims Reporting/Mental Health Amends) in the last days of session. This bill would have authorized the secretary of DHHS to direct mergers of LME/MCOs and sets out minimum criteria for the secretary when considering possible consolidations including solvency, population served and financial performance. The bill makes other changes to LME/MCO board governance but does not include a provision limiting county LME/MCO disengagement until the Secretary of Health and Human Services adopts procedural rules. The Senate approved the conference report in the last hours of session; however, it was never voted on in the House.

As counties and the state work to tackle behavioral health issues including the opioid abuse epidemic, the General Assembly considered legislation lowering barriers to obtaining lifesaving overdose prevention drugs. [S734](#) (Statewide Standing Order/Opioid Antagonist) authorizes the State Health Director to prescribe an opioid overdose inhibitor by a statewide standing order. The bill became law late in the session with the Governor's signature following a unanimous vote in the House and Senate. This legislation makes it easier for a person to obtain naloxone hydrochloride from a pharmacy if they believe someone may be at risk of an overdose. Naloxone is a drug that blocks the effects of opioids, preventing overdoses and saving lives. According to some reports, this drug has helped save 3,300 North Carolinians from dying due to opioid overdose.

The House and Senate unanimously agreed to a bill making it unlawful to transfer custody of a minor child or advertise the custody transfer of a minor child outside of current adoption processes, foster care systems, legal custody transfers and relative care processes. [H424](#) (Prohibit Unlawful Custody Transfer of Child) was introduced in a Senate committee in the last week of session before passing the Senate 50-0 and the House 109-0. Unlawful custody transfer of a child would be a Class A1 misdemeanor unless the transfer results in serious physical injury to the child, which would be a Class G felony. The bill also directs DHHS to develop a more comprehensive program to help families at risk of adoption dissolutions.

[H1035](#) (LGC/Training for Local Gov't Finance Officers), authorizes the Local Government Commission to require local finance officers and any local employee with finance duties to attend formal training if the commission determines a need, particularly if the local government has received a deficiency letter from the commission.

[S575](#) (NC/SC Original Boundary Confirmation), which closely mirrors legislation passed in South Carolina earlier this year, reestablishes the original border between the Carolinas that has become indistinct over time as landmarks have shifted or disappeared. A few residents who have been determined to live in different states will have to change their driver licenses and will now pay taxes in their "new" state of residence. Students may choose to stay in schools they currently attend and will be eligible for in-state tuition in their previous state of residence for ten years.

[S667](#) (Elections Omnibus Revisions) makes changes to various elections laws and requires the Attorney General to represent local governments whenever the validity or constitutionality of local acts is challenged and to represent the state in most litigation. Among other elections changes, [S667](#) adjusts

the time requirements for canvassing after elections, directs the order of candidates on the ballot for Court of Appeals, adjusts voting tabulation districts in preparation for the 2020 census, sets uniform standards for precinct boundaries, requires maintenance of voting data by precinct instead of tabulation district, and directs a legislative study of municipal elections in even-numbered years.

[H992](#) (Amend Industrial Hemp Program) adds requirements to the hemp program established by the legislature last year, achieving an NCACC goal. It clarifies the powers and duties of the Industrial Hemp Commission, grants rulemaking authority to the commission, and requires the industrial hemp research program to be managed and coordinated by state land grant universities. It also sets specific responsibilities of licensees and authorizes research purposes for the industrial hemp program and creates civil and criminal penalties for various violations of the program.

The General Assembly approved [S865](#) (State Health Plan/Admin Changes/Local Govts) that increases the number of local governments that may participate in the State Health Plan. It raises the enrollment cap on local government employees and dependents from 10,000 to 16,000. The bill also prohibits participating local governments from charging more for employee and dependent coverage than the Plan allows.

[H550](#) (Raleigh Apodaca Service Dog Retirement Act) would allow cities and counties to turn publicly owned service animals like police dogs over to their handlers once the animals have reached retirement age. The bill extends the provisions found in a number of local bills across the state and passed both chambers unanimously. Previously, local governments would be required to auction-off animals as surplus. [H550](#) was named for Rules Chair Tom Apodaca's bulldog, Raleigh, who died in September.

The General Assembly passed the annual bill addressing agricultural regulations approving [S770](#) (NC Farm Act of 2016) in the last two days. Part of the bill clarifies the current permit exemption for some small construction projects costing less than \$15,000. This change lists the type of small construction projects to include fixing windows, doors, railings and decking as well as replacing some plumbing and electrical equipment, and fixtures. It exempts horticulture operations from sedimentation control laws and allows well contractors to install pipes and electrical wiring in limited circumstances, and would add notification responsibilities for local health departments.

Two provisions with possible financial impacts to counties were not included in the final version. The original version of the bill decreased the farm income threshold from \$10,000 per year to \$5,000 per year to qualify for the farm equipment sales tax exemption. The bill also contained a provision expanding when deferred taxes are waived or pro-rated for gifts of PUV property for preservation purposes — this provision was removed from [S770](#) but later became law in [H533](#) (Modify PUV Exceptions to Disqualification).

Two bills, ([S811](#)) Lottery Funds for School Construction & [S728](#) (Lottery – JLOC Recommendations), were introduced in the Senate and would have addressed the issue of county school construction needs. The Department of Public Instruction conducted a facility needs survey during the interim and found that LEAs will need \$8 billion over the next five years and \$13.4 billion over the next 10 years to build new schools and to renovate or expand existing schools. The Department further concluded that local

funding is inadequate to meet these needs, and that additional state funding will be needed to fulfill the “highest facility needs in relation to the capacity to raise revenue.”

[S811](#) would create a Critical Public School Building Needs Fund to provide grant assistance to counties for school construction needs based on the counties’ ability to generate revenue through sales and property taxes. The bill would appropriate \$25 million in lottery revenues to the critical needs fund, which would be in addition to the \$100 million appropriated to the Public School Building Capital Fund. The bill would have provided for an additional \$25 million to the critical needs fund if [S728](#) passed.

[S728](#) and House companion [H1038](#) were referred out of the Joint Lottery Oversight Committee and would make two substantial changes to the lottery statutes. The bill would increase the cap on lottery advertising expenses from 1% to 2%, which the N.C. Education Lottery estimates would generate an additional \$48.4 million in lottery revenues. The bill would also direct all unclaimed prize moneys to be included in the amount appropriated for "education-related purposes" each year. Currently, 50% of unclaimed prize monies are used to enhance prizes.

Neither proposal received a hearing; however, the final budget includes a provision directing the Program Evaluation Division to contract for an independent assessment of school construction needs and to determine which LEAs have the highest facility needs in relation to their capacity to raise revenue.

[H1080](#) (Achievement School District) creates a state-managed school administrative unit designed to boost low-performing schools from across the state. The bill establishes an Achievement School District (ASD) as a pilot program authorizing the State Board of Education (SBE) to select private charter school companies to take over the administration of qualifying elementary schools. Under the bill, the SBE must select and enter into a five-year contract with an achievement school operator, but may extend the contract for three years if certain performance criteria are met.

[H1080](#) states that once the local school board has been notified that one of its schools has been selected for transfer to the ASD, it can take one of two actions. The board can: (1) consent to the transfer, or (2) close the school. The bill further states that the LEA would transfer the per-pupil share of local current expense funds to the achievement school and would remain responsible for the school’s capital and transportation needs. The state would allocate funds to the school in an amount equal to the average per pupil share of the LEA’s ADM allotment plus amounts for disability and English proficiency.

An additional pilot program provided for under the bill would allow a local school board to create “innovation zones” comprised of three struggling schools within the LEA. These innovation zones would be given exemptions from state regulations similar to those afforded to public charter schools.

[H972](#) (Law Enforcement Recordings/No Public Record) governs the disclosure of audio and video recordings captured by body cameras, dashboard cameras or other recording devices used by law enforcement officers while performing their duties. The bill exempts these recordings from the state’s public records laws.

The bill provides that the head of the law enforcement agency having custody of a recording may release it only to a person or personal representative of one whose image or voice is in the recording. The custodial agency may consider a number of factors in determining whether to release the recording, such as whether it contains otherwise confidential information or would reveal information of a highly sensitive personal nature. A decision denying disclosure may be appealed to the superior court. The standard of review by the court is whether the custodial agency abused its discretion, and the bill lists several criteria the court must consider in making its decision on whether to release the recording.

The bill was later amended to include language allowing governmental and nongovernmental organizations to establish and operate hypodermic syringe and needle exchange programs. The bill sets forth the requirements for such a program and provides that a person found to be in possession of new or used needles, syringes or other injection supplies shall be immune from prosecution if they were obtained from or returned to a needle exchange program. [H972](#) passed both chambers following spirited and lengthy debates on the issue of public access to law enforcement recordings.



Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Information, Reports & Minutes From Other Agencies

Item Number: 11.D
Meeting Date: July 18, 2016

Submitted By: Angela Wooten, Clerk to the Board
Administration
Prepared by: Angela Wooten

Item Title **Resolution Opposing House Bill 763: an Act To protect
North Carolina's Military Foot Print**

Attachments: Microsoft Outlook - Memo Style (PDF)
HB 763 Resolution.pdf (PDF)

Summary:

Recommendation:

Angela Wooten

From: Katie Mosher <katie.mosher@co.beaufort.nc.us>
Sent: Tuesday, July 12, 2016 11:15 AM
To: tory.frink@alamance-nc.com; jstarnes@alexandercountync.gov; alleadmin@skybest.com; bhuntley@co.anson.nc.us; aclark@ashecountygov.com; barbara.mccoy@ashecountygov.com; avery.clerk@ncmail.net; Sarah Tinkham; medwards@bladenco.org; margie.stephenson@brunswic
Subject: Please Forward Resolution
Attachments: HB 763 Resolution.pdf

Hello Everyone!

At our Board of Commissioners meeting last night (July 11, 2016) the Beaufort County Board of Commissioners approved the attached resolution opposing HB 763. They have asked that it be forwarded to all other counties. Please forward a copy to your Commissioners and Managers. Thank you,

Katie M. Mosher, CMC, NCCCC
Clerk to the Board, Beaufort County
Administrative Assistant to the County Manager
252-946-0079, Ext. 110
Katie.Mosher@co.beaufort.nc.us

E-mail correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

Attachment: Microsoft Outlook - Memo Style (1320 : Beaufort County Resolution)



**BEAUFORT COUNTY
NORTH CAROLINA**

**RESOLUTION OPPOSING HOUSE BILL 763: AN ACT TO
PROTECT NORTH CAROLINA'S MILITARY FOOT PRINT**

WHEREAS, the above identified bill has passed the North Carolina Senate and may be re-introduced during the next session of the Legislature; and

WHEREAS, this Bill, if passed, would have a negative impact on approximately 60 percent of the area of North Carolina with a disproportionate impact on northeastern North Carolina; and

WHEREAS, this Bill, if passed, will lay a state level regulatory burden on every county in the State; and

WHEREAS, this Bill will regulate the construction of buildings and structures, provides for the creation of a regulatory apparatus within State government and the University system, and

WHEREAS, this Bill gives the US and State military commanders a regulatory standing over all land within the State, and

WHEREAS, this Bill was introduced and passed the North Carolina Senate without notice to county governments, and

WHEREAS, this Bill limits commerce and construction, requiring another layer of regulatory oversight at great expense and delay to the workings of commerce, and

WHEREAS, Beaufort County Commissioners believe this Bill, if passed, will do great harm to property rights, property values, and commerce; and

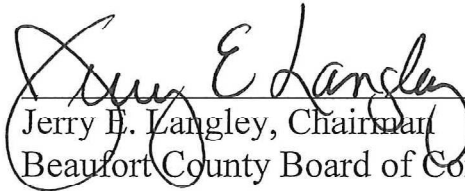
WHEREAS, Beaufort County Commissioners have no objection to military operations as they are presently conducted.

NOW THEREFORE, Beaufort County is opposed to the enactment of this Bill or any other Legislation that restricts property rights, or that inhibits commerce.

NOW THEREFORE, Beaufort County is opposed to the Legislature passing any laws, rules or regulations in any form without adequate time for every citizen and county government to properly examine, make comment and consult with House and Senate representatives.

NOW THEREFORE, this resolution is to be presented to the other 99 counties, the Governor, the Speaker of the House and the President Pro tem of the Senate.

Adopted this 11th day of July, 2016


Jerry E. Langley, Chairman
Beaufort County Board of Commissioners


Kathleen Mosher, CMC, NCCCC
Clerk to the Board



Attachment: HB 763 Resolution.pdf (1320 : Beaufort County Resolution)