

Camden County Board of Commissioners

Regular Meeting

March 19, 2007

7:00 P.M.

Historic Courtroom

Camden, North Carolina

MINUTES

The regular meeting of the Camden County Board of Commissioners was held on Monday, March 19, 2007 at 7:00 p.m. in the Historic Courtroom, Camden, North Carolina. The following members were present:

Chairman Jeffrey B. Jennings

Vice Chairman Philip Faison

Commissioners Melvin J. Jeralds, Carolyn O. Riggs, and Mike Andrews

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

Chairman Jeffrey Jennings called the meeting to order, gave the invocation and led the Pledge of Allegiance.

Chairman Jeffrey Jennings stated that the schedule of presentations had changed in order to allow sufficient time for Mr. Michael Brown's presentation. Mr. Brown's presentation was moved to *Item 9. New Business, D.1.* Chairman Jeffrey Jennings added *Superior Clerk of Court Ann Davis Spivey* and *Charlotte Underwood, Embarq Public Affairs Manager* to the presentations.

Presentation - Sandra Jordan-Leigh – Albemarle Mental Health – Local Business Plan and Letter of Support for Expansion of Crisis/Detox Services

Mrs. Leigh, Albemarle LME Coordinator for Albemarle Mental Health, and Mr. Walton gave a brief summary outlining the business plan for the Albemarle Mental Health services for next three (3) years and plans for the development of a crisis/detox facility. Mr. Walton stated the crisis/detox center is to establish a nine (9) bed facility in the ten (10) county area.

Commissioner Carolyn Riggs inquired since this district is going to be the lead area, why is the Crisis/Detox facility not being put in this district.

Mr. Walton stated that there is a 23 hour crisis center in Elizabeth City; Dare County is trying to develop a detox center in the Dare County area to also serve this area and the Martin County area would give three (3) crisis/detox centers along the northeast corridor. Mr. Walton further stated that the hospital in Martin County has land available near the hospital for the facility.

Commissioner Carolyn Riggs asked how many Camden citizens use Albemarle Mental Health services.

Mr. Walton replied the Camden County caseload is approximately 563 children and 924 adults that are actively engaged in services.

Commissioner Mike Andrews inquired if there was any additional cost to the county for the crisis/detox center.

Mrs. Leigh stated there is no additional cost to Camden County because Albemarle Mental Health is seeking special funding.

Commissioner Philip Faison asked if the other crisis/detox centers are privately or state funded.

Mr. Walton replied they are state and federally funded centers.

Commissioner Philip Faison made a motion to accept the Albemarle Mental Health Center's Local Business Plan. The motion passed with Commissioners Melvin Jeralds, Mike Andrews, Philip Faison and Chairman Jeffrey Jennings voting aye; Commissioner Carolyn Riggs voting no; no Commissioner absent; and no Commissioner not voting.

Commissioner Melvin Jeralds made a motion to send a letter of support to Senator Basnight for the location of a Crisis/Detox facility in Martin County. The motion passed with Commissioners Melvin Jeralds, Mike Andrews, Philip Faison and Chairman Jeffrey Jennings voting aye; Commissioner Carolyn Riggs voting no; no Commissioner absent; and no Commissioner not voting.

Presentation - Ann Davis Spivey

Superior Court Clerk Ann Davis Spivey addressed the Board as a delegate of Medlin family of South Mills and as the Clerk of Superior Court to present a portrait painted by a Medlin family member wishing the portrait to be displayed in the Camden County Courthouse.

Superior Court Clerk Ann Davis Spivey stated the artist is Phoebe Doyle Medlin, resident of Cary, North Carolina, who passed away December 26, 2005 at the age of 91. Ms. Medlin was the daughter of the late William Henry Doyle and Goldie Ethel Medlin; proceeded in death by her first husband, James Powers and her second husband, Roy Medlin. Mrs. Medlin is survived by a daughter, Sue Lewis and husband Curtis of Raleigh and was retired from the NC State Department of Agriculture. Mrs. Medlin became an artist later in life and was known as "Fe"

The family asked that Mrs. Phoebe Dole Medlin's biography be placed on the back of portrait, which reads: *"This artist, even as a child, enjoyed drawing. She recalls, when in the third or fourth grade, having won first place at the Wake County Commencement for a poster of circus and farm animals. She often used magazines and the Sear & Roebuck catalog to practice drawing. She once sketched a very good likeness, according to her classmate, of her favorite French teacher. It was very much later in life that she had the time and means to afford formal training. Her favorite medium is oil. This print of the North Carolina State Capitol is from a larger oil painting. When asked what she prefers to paint, she will tell you that she likes to "paint things or places that bring back fond memories or that are just plain beautiful. In other words, something you can enjoy seeing every day"*

Commissioner Melvin Jeralds made a motion to accept the print of the North Carolina State Capitol by Mrs. Phoebe Doyle Medlin as presented by the Medlin family of South Mills and to send a letter of appreciation to the Medlin family. The motion passed with Commissioners Melvin Jeralds, Carolyn Riggs, Mike Andrews, Philip Faison and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Hearing no objections, Chairman Jennings so ordered funds from the court facility fees be utilized to pay for the cost of the matting and framing.

Charlotte Underwood - Embarq Public Affairs Manager - Presentation of Check

Mrs. Underwood presented a check from Embarq in the amount of \$500.00 for the Camden County Historic Courthouse re-dedication ceremony.

On behalf of the Camden County Board of Commissioners, Chairman Jeffrey Jennings thanked Mrs. Underwood and Embarq for their donation to the Historic Courthouse re-dedication ceremony.

Public Comments

Chairman Jeffrey Jennings called for any comments from the public.

Clarence Richardson, 208 Joyce Creek Road, asked for consideration for an extension on his personal property taxes.

Chairman Jeffrey Jennings stated the Board would take his request into consideration; the Board would discuss this matter with the County Attorney and Tax Administrator to see what can be done, and the Tax Administrator will contract Mr. Richardson with the Board's decision.

Hearing no further comments, Chairman Jeffrey Jennings proceeded with the meeting.

Consideration of Minutes – January 29, 2007 Work Session, February 19, 2007 Regular Meeting, and March 1, 2007 Special Meeting

Commissioner Melvin Jeralds made a motion to approve the minutes of the January 29, 2007 Work Session, February 19, 2007 Regular Meeting, and March 1, 2007 Special Meeting subject to correction of technical and typographical errors. The motion passed with Commissioners Melvin Jeralds, Carolyn Riggs, Mike Andrews, Philip Faison and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Consideration of Agenda

Chairman Jeffrey Jennings added *Item 7. Old Business, B. Single Family Rehabilitation Program (SFR07) – Post Approval Documentation Packet*, and *Item 7. Old Business, C. Renaming of Ordinance No. 2006-09-01 to Ordinance No. 2007-03-05 and to Hold a Public Hearing on Ordinance No. 2007-03-05.*

Commissioner Philip Faison made a motion to approve the agenda as amended. The motion passed with Commissioners Melvin Jeralds, Carolyn Riggs, Mike Andrews, Philip Faison and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Budget Amendment – 2006-07-BA023

Chairman Jeffrey Jennings stated that Superior Court Clerk Ann Davis Spivey offered to pay half of the cost of the blinds from the court facility fees.

Chairman Jeffrey Jennings stated: *"the Commissioners were falsely accused in Daily Advance on the issue of these blinds and I do not think that was correct. The Board was led to believe these blinds were going to be between \$3,000.00-\$4,000.00, and that was not the case. I received a letter from a citizen; it was not an ugly letter but a letter of sternness about the blinds, and I think the citizen did not understand, and I was also blasted in a nice way about the paint job on the courthouse of which the Commissioners had no knowledge of. No Commissioner, except me, can be guilty of anything because the other four (4) Commissioners had no knowledge of the blinds in the \$3,000.00-\$4,000.00 amount anyway; that was just me and that was what I was led to believe that the blinds would be between \$3,000.00-\$4,000.00 and not \$8,000.00. I think I have had as many calls on these blinds as I have the landfill."*

Superior Court Clerk Ann Davis Spivey stated that there have always been blinds in this courtroom until they were removed for the restoration work, and the Courthouse Restoration Committee thought it was more appealing not to have blinds at the windows but due to the morning light, it is very difficult to hold court or meetings.

Commissioner Melvin Jeralds asked if the flood insurance should come out of the courthouse renovation fund.

County Manager Randell Woodruff stated the flood insurance was not in the budget and will be in a special line item in the budget next year.

Commissioner Philip Faison made a motion to approve budget amendment 2006-07-BA023 – Revised. The motion passed with Commissioners Melvin Jeralds, Carolyn

Riggs, Philip Faison and Chairman Jeffrey Jennings voting aye; Commissioner Mike Andrews voting no; no Commissioner absent; no Commissioner not voting.

2007 Single Family Rehabilitation Program (SFR07)

Commissioner Melvin Jeralds made a motion to authorize the Chairman to sign the requisition signatory card as the certifying official for the FY07 NCHFA-SFR project. The motion passed with Commissioners Melvin Jeralds, Carolyn Riggs, Mike Andrews, Philip Faison and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Renaming/Renumbering of Ordinance No. 2006-09-01 to Ordinance No. 2007-03-05 and to Hold a Public Hearing on Ordinance No. 2007-03-05 – An Ordinance of the Board of County Commissioners of Camden County Amending the Franchise for a Sanitary Landfill Awarded to Black Bear Disposal, LLC, by Extension of Its Commencement Term for Additional Consideration and Limitation of Its Service Area and Adding Waste Industries USA, Inc. as a Party

Numbers are assigned to proposed ordinances for the benefit of internal control and tracking. Ordinance No. 2006-09-01 was tabled indefinitely at the November 6, 2006 Commissioners meeting. The proposed draft for public hearing retained the previous Ordinance No. 2006-09-01, and staff would like to renumber this ordinance to be current within the year proposed.

Commissioner Melvin Jeralds made a motion to rename/renumber Ordinance No. 2006-09-01 to Ordinance No. 2007-03-05 - An Ordinance of the Board of County Commissioners of Camden County Amending the Franchise for a Sanitary Landfill Awarded to Black Bear Disposal, LLC, by Extension of Its Commencement Term for Additional Consideration and Limitation of Its Service Area and Adding Waste Industries USA, Inc. as a Party. The motion passed with Commissioners Melvin Jeralds, Carolyn Riggs, Mike Andrews, Philip Faison and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Public Hearing - Ordinance No. 2007-03-05 -An Ordinance of the Board of County Commissioners of Camden County Amending the Franchise For A Sanitary Landfill Awarded to Black Bear Disposal, LLC, By Extension of Its Commencement Date for Additional Consideration and Limitation of Its Service Area and Adding Waste Industries USA, Inc. as a Party

Commissioner Philip Faison made a motion to go into public hearing to receive comments from the public regarding Ordinance No. 2007-03-05. The motion passed with Commissioners Melvin Jeralds, Carolyn Riggs, Mike Andrews, Philip Faison and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Chairman Jeffrey Jennings stated that he has a list of names of those who signed up to speak and will call them one at a time.

Dennis Morse, 711B Main Street, South Mills, thanked Commissioner Philip Faison for finding \$250,000.00 by negotiating with Black Bear, and spoke in opposition of the landfill contract.

Lance Gomes, Chesapeake, spoke in opposition of the proposed Black Bear Sanitary Landfill.

Cheryl Morrow, 150 Keeter Barn Road, spoke in opposition of the proposed Black Bear Sanitary Landfill.

Bill Bland, 112 Deer Trail, entered his written speech into the record; spoke in opposition of the proposed Black Bear Sanitary Landfill, and complimented Commissioner Philip Faison on renegotiating free trash pick up for the county.

Gene Lindstrom, 107 Deer Trail, spoke in opposition of the proposed Black Bear Sanitary Landfill.

MaryLu Elliott, 103 Deer Trail, spoke in opposition of the proposed Black Bear Sanitary Landfill.

Daniel Montague, 1370 North 343, spoke in opposition of the proposed Black Bear Sanitary Landfill.

Robert Nobles, 140 Heritage Drive, thanked Commissioners for having a public hearing on the landfill extension agreement, and spoke in opposition of the proposed Black Bear Sanitary Landfill.

George Taylor, 124 Chantilly Road, spoke in favor of the proposed Black Bear Sanitary Landfill.

Marvin Meyers, 109 Deer Trail, spoke in opposition of the proposed Black Bear Sanitary Landfill.

Robert Nobles, 134 Heritage Drive, spoke in opposition of the proposed Black Bear Sanitary Landfill.

Brian Meekins, 122 Baybreeze Drive, spoke in opposition of the proposed Black Bear Sanitary Landfill.

Hearing no further comments, Commissioner Melvin Jeralds made a motion to go out of public hearing. The motion passed with Commissioners Melvin Jeralds, Carolyn Riggs, Mike Andrews, Philip Faison and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Public Hearing - Ordinance No. 2007-02-01 – An Ordinance of the Camden County Board of Commissioners Regarding Adult Entertainment in Camden County

Commissioner Philip Faison made a motion to go into public hearing to receive comments from the public regarding Ordinance No. 2007-02-01. The motion passed with Commissioners Melvin Jeralds, Carolyn Riggs, Mike Andrews, Philip Faison and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Chairman Jeffrey Jennings stated there is no such business who wants to locate in the county at this time, but it is to limit such establishments in the future.

Attorney John Morrison summarized Ordinance No. 2007-02-01 and stated the county can not prohibit or ban adult entertainment due to violating the First Amendment but the Commissioners can regulate the hours of operation, location, lighting, traffic and any other secondary impacts.

Chairman called for comments from the public.

Hearing no comments from the public, Commissioner Melvin Jeralds made a motion to close public hearing regarding Ordinance No. 2007-02-01. The motion passed with Commissioners Melvin Jeralds, Carolyn Riggs, Mike Andrews, Philip Faison and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Public Hearing - Ordinance No. 2007-02-02 – A Proposed Ordinance Amending the Camden County Code of Ordinances – Chapter 151

Commissioner Philip Faison made a motion to go into public hearing to receive comments from the public regarding Ordinance No. 2007-02-02. The motion passed with Commissioners Melvin Jeralds, Carolyn Riggs, Mike Andrews, Philip Faison and

Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Chairman Jeffrey Jennings called for any comments from the public.

Planning Director Dan Porter stated the UDO amendments proposed in this ordinance are substantive and will affect the patterns and standards of development in the county and are designed to implement some Smart Growth principle related to clustering development and also encourage development around the three (3) core township areas. The changes also focus on using infrastructure as a means to manage where growth occurs.

Changes are recommended to minimum lot sizes, setbacks, and density, particularly when connected to a central sewer system. A new mixed residential\commercial zone is created. Private Access Subdivisions are eliminated. All major subdivisions are required to connect to a public water supply with sufficient fire flow capacity and pressure.

The Table of Permissible Uses recommendations include both items related to issues and inconsistencies that the Staff has encountered, and items related to allowing for compatible mix of uses patterned after Smart Growth principles.

Based on the recommended text changes, a group of map amendments will also be recommended is a separate ordinance.

This matter was set for public hearing at the February 5, 2007 Commissioners meeting and advertised in the Daily Advance and public meetings were held.

Kirt Nixon, 108 Pine Street, stated the Board has the wrong concept of a metal building and that metal buildings can be done in many ways and should not be restricted.

Chairman Jennings asked that Dan Porter schedule a meeting with metal building manufacturers and the Planning Board so the Board may gather more information.

Commissioner Melvin Jeralds made a motion to go out of public hearing. The motion passed with Commissioners Melvin Jeralds, Carolyn Riggs, Mike Andrews, Philip Faison and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Public Hearing - Ordinance No. 2007-03-01 – An Ordinance of the Camden County Board of Commissioners to Establish a Set of Development Review Procedures and Evaluation Criteria Upon Expiration of Moratorium on Residential Subdivision Development

Commissioner Mike Andrews made a motion to go into public hearing to receive comments from the public regarding Ordinance No. 2007-03-01. The motion passed with Commissioners Melvin Jeralds, Carolyn Riggs, Mike Andrews, Philip Faison and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Planning Director Dan Porter stated the purpose of Ordinance No. 2007-03-01 is to provide for the orderly transition of review and approval process for residential development proposals following a long term moratorium on development; implementation of an evaluation procedure based on growth principals that encourage efficient use of natural resources, existing and planned infrastructure; and, conduct of community participation

Chairman Jennings called for any comments from the public.

Cheryl Morrow, 150 Keeter Barn Road, complimented County Attorney John Morrison regarding his involvement with the subdivision moratorium and spoke in favor of retaining a subdivision moratorium until adequate schools can be built and other services, such as the Sewage Treatment Plant and South Mills Fire Department, are in place.

Hearing no further comments, Commissioner Philip Faison made a motion to go out of public hearing. The motion passed with Commissioners Melvin Jeralds, Carolyn Riggs, Mike Andrews, Philip Faison and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Consideration of Ordinance No. 2007-03-05 - An Ordinance of the Board of County Commissioners of Camden County Amending the Franchise For A Sanitary Landfill Awarded to Black Bear Disposal, LLC, By Extension of Its Commencement Date for Additional Consideration and Limitation of Its Service Area and Adding Waste Industries USA, Inc. as a Party

Chairman Jeffrey Jennings stated this matter will be placed on the April 2, 2007 agenda.

Commissioner Mike Andrews stated that the April 2nd meeting is a morning meeting and suggested that the consideration of Ordinance No. 2007-03-05 be placed on the night meeting agenda so more people would be able to attend.

Chairman Jeffrey Jennings stated an ordinance granting a franchise must be passed at two (2) regular meetings and confirmed this with the County Attorney.

County Attorney John Morrison stated that the Commissioners would be voting on this matter at a morning and evening meeting.

Consideration of Ordinance No. 2007-02-01 - An Ordinance of the Camden County Board of Commissioners Regarding Adult Entertainment in Camden County

Commissioner Melvin Jeralds made a motion to approve Ordinance No. 2007-02-01. The motion passed with Commissioners Melvin Jeralds, Carolyn Riggs, Mike Andrews, Philip Faison and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Approved Ordinance No. 2007-02-01 reads as follows:

Ordinance No. 2007-02-01

**AN ORDINANCE OF THE CAMDEN COUNTY BOARD OF COMMISSIONERS
REGARDING ADULT ENTERTAINMENT IN CAMDEN COUNTY**

Article I: PURPOSE AND AUTHORITY

It is the purpose of this article to regulate sexually oriented businesses to promote the health, safety, and general welfare of the citizens of Camden County, and to establish reasonable and uniform regulations to prevent the deleterious effect of sexually oriented businesses. The provisions of this article have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials or other expressive activities, including sexually oriented materials or activities. Similarly it is not the intent nor the effect of this Article to restrict or deny access by adults to sexually oriented materials protected by the First Amendment of the United States Constitution, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is the intent nor effect of this article to in any way condone or legitimize the distribution of obscene materials or materials harmful to minors. The authority of this regulation is contained in North Carolina General Statutes 153A-121, 153A-123, 160A-181.1, 153A-134, and 153A-135.

Article II: DEFINITIONS

Sexually Oriented Business: A business which offers its customers or patrons any device, activity or demonstration depicting specified sexual activities, or which is intended to appeal to sexual interest, titillation or arousal of the customer or patron. A sexually oriented business shall include an adult establishment as defined in North Carolina General Statutes 14-202.10(2) and, in addition without limitation: an adult arcade, an adult bookstore or video store, adult cabaret, adult massage parlor, adult motel, adult motion picture theater, adult theater, nude model studio, sexual encounter studio, or any combination of the foregoing. As used in this ordinance the following definitions shall apply:

- a. **Adult Arcade (also known as "peep show"):** Any place to which the public is permitted or invited wherein coin-operated or token operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to persons in booths or viewing rooms where the image so displayed depict or describe specified sexual activities and/or

specified anatomical areas. Booths or viewing rooms shall not be completely enclosed to prevent management from viewing clientele.

- f. Adult Bookstore or Audio/Video Store. A commercial establishment which:
 - 1. Receives the majority of its gross income during any calendar month from the sale or rental of any one of more of the following or has a preponderance of its inventory consisting of:
 - (i.) Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, videocassettes or video reproductions, slides, or other visual representations that depict or describe specified sexual activities and/or specified anatomical areas; or
- g. Video games or computer programs that depict any sexual activity in a digital or other similar imaging media format; or
 - (iii.) Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.
- b. Adult Cabaret. A nightclub, bar, restaurant, or other commercial establishment that regularly features, exhibits, or displays as one of its business purposes;
 - 1. Persons who appear nude or semi-nude; or
 - 2. Live performances which are characterized by exposure of specified anatomical areas and/or specified sexual activities; or
 - 3. Films, motion pictures, videocassettes, slides, or other photographic reproductions which depict or describe specified sexual activities and/or specified anatomical areas; or
 - 4. Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interest or titillation of an audience or customers.
- c. Adult Massage Parlor. A commercial establishment where, for any form of consideration, massage, alcohol rub, fomentation, electrical or magnetic treatment, or manipulation of the human body is administered. This definition does not include the practice of a North Carolina licensed professional nor an athletic club, physical fitness center, school, gymnasium, reducing salon, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.
- d. Adult Motel. A hotel, motel or similar commercial establishment that:
 - 1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from the public rights-of-way that advertises the availability of this adult type of photographic reproductions; or
 - 2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
 - 3. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than twelve (12) hours.
- e. Adult Motion Picture Theater. Commercial establishments where, for any form of consideration, films, motion pictures, videocassettes, slides, or similar photographic reproductions that depict or describe specified sexual activities and/or specified anatomical areas are regularly shown as one of its principal business purposes.
- f. Adult Theater. A theater, concert hall, auditorium, or similar commercial establishment which regularly features exhibits or displays as one of its principal business purposes, persons who appear in a state of nudity or semi-nude, or live performances that expose or depict specified anatomical areas and/or specified sexual activities.

- h. Nude Model Studio. Any place that allows, permits or makes available a person who appears nude, semi-nude, or who displays specified anatomical areas for the purpose of being observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any other form of consideration. "Nude Model Studio" shall not include a proprietary school licensed by the State of North Carolina or a college, junior college, or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxations; or in a structure:
 - 1. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
 - 2. Where in order to participate in a class a student must enroll at least three (3) days in advance of the class; and
 - 3. Where no more than one nude or semi-nude model is on the premises at any one time.
- h. Nude or State of Nudity. The showing of human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.
- i. Semi-nude. The showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit or other wearing apparel provided the areola is not exposed in whole or in part.
- j. Sexual Encounter Center. A business or commercial enterprise that, as one of its business purposes, offers for any form of consideration, physical contact in the form of wrestling or tumbling between persons of the opposite sex, or activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.
- k. Specified Anatomical Areas. Includes any of the following:
 - 1. Less than completely and opaquely covered:
 - (i.) Human genitals, pubic region
 - (ii.) Buttock, or
 - (iii.) Female breast below a point immediately above the top of the areola.
 - 2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- l. Specified Sexual Activities. Includes any of the following:
 - 1. Human genitals in a state of sexual stimulation, arousal, or tumescence; or
 - 2. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or
 - 3. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or
 - 4. Masturbation, actual or simulated; or
 - 5. Masochism, erotic or sexually-oriented torture, beating or the infliction of pain; or

6. Erotic or lewd touching, fondling, or other contact with an animal by a human being; or
7. Human excretion, urination, menstruation, vaginal or anal irrigation.

Article III. BUSINESS LICENSE REQUIRED

1. It shall be unlawful:
 - a. For any owner or manager to operate a sexually oriented business without a valid sexually oriented license issued by the Camden County Sheriff pursuant to this ordinance. It shall also be unlawful for any person to operate such a business after a license has been suspended, revoked, or has expired.
2. License Compliance – Licensee must:
 - a. Maintain operation of the business in compliance with license. Any change in business that would alter any activities indicated on the application for which the license was issued shall result in the licensed being suspended or revoked.
 - b. Shall provide a list of all employees, regardless of the employee's position, to the Camden County Sheriff by the 15th day of each month for all employees the prior month. Information shall include the employee name, current street address of physical residence, and date of birth.
3. License Application
 - a. An application for a license to operate the business must be made on a form provided by the Camden County Sheriff.
4. License – Posting and display
 - a. Every person, corporation or partnership licensed as a sexually oriented business shall post such license in a conspicuous place and manner on the sexually oriented business premises.
5. License Fees – Non-refundable fees established by the Camden County Board of Commissioners shall be submitted to the Camden County Sheriff for the following:
 - a. Application for a sexually oriented business license whether for a new license or for renewal of an existing license.
 - b. Reinvestigation and reinstatement of business license that has been suspended.
6. License Renewal
 - a. Every sexually oriented business license must be renewed annually by 1 January.
7. Expiration of License.
 - a. Each license shall expire annually on 31 December and may be renewed only by making application the Camden County Sheriff. Application for renewal shall be made at least thirty (30) days prior to the expiration date, and when made less than thirty (30) days prior to the expiration date, the license will expire. When the Camden County Sheriff denies renewal of a license, the applicant shall not be issued a license for one year from the date of denial.
8. Suspension of License
 - a. The Camden County Sheriff shall suspend a license for a period not to exceed thirty (30) days if he/she determines that a license or an employee of a licensee has:
 - (i.) Violated or is not in compliance with the requirements of this ordinance; or
 - (ii.) Refused to allow an inspection of the sexually oriented business premises as authorized by this ordinance.
9. Revocation of License
 - a. The Camden County Sheriff shall revoke a license if a cause of suspension in item 8 occurs and the license has been suspended within the preceding twelve (12) months.

- b. The Camden County Sheriff shall revoke a license if he/she determines by a preponderance of the evidence that one or more of the following findings is true:
 - (i.) A licensee gave false or misleading information in the material submitted during the application process;
 - (ii.) A licensee has allowed possession, use, or sale of controlled substances on the premises;
 - (iii.) A licensee has allowed prostitution on the premises;
 - (iv.) A licensee operated the sexually oriented business during a period of time when the licensee's license was suspended;
 - (v.) A licensee operated the sexually oriented business outside the permitted hours of operation;
 - (vi.) Except in the case of an adult motel, a licensee has allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sex act to occur in or on the licensed premises; or
 - (vii.) A licensee is delinquent in payment to the County or State for any taxes or fees past due.
- c. When the Camden County Sheriff revokes a license, the revocation shall continue for one (1) year from the date the revocation became effective.

10. Transfer of License

- a. A licensee shall not transfer his/her license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the application.

Article IV. INSPECTION OF SEXUALLY ORIENTED BUSINESS

1. Inspections

- a. An application or licensee shall permit representative of the Sheriff's Department, Health Department, Fire Marshal's Office, Planning and Inspections Department, or other County departments or agencies to inspect the premises of a sexually oriented business for the purpose of insuring compliance with the law.
- b. A person who operates a sexually oriented business or his agent or employee commits a misdemeanor if he refuses to permit such lawful inspection of the premises at any time.

Article V. LICENSE REQUIRED

1. License

- a. No sexually oriented business shall be permitted to operate without a valid sexually oriented business license issued by the sheriff for the particular classification of business. It shall be unlawful for any person to operate or cause to be operated a sexually oriented business without said license, or without the presence of an operator who has been disclosed pursuant to subsection (b)(9) of this section. In furtherance of the policy of the State of North Carolina, the sheriff shall not issue licenses to two (2) or more classifications of sexually oriented businesses to operate in or on the same building, premises, structure, or other facility.
- b. An application for a license must be made by the owner/manager/operator of the business on a form prescribed by the sheriff, and submitted to the Camden County Sheriff's Office. The completed application shall contain the following information and shall be accompanied by the following documents:
 - (1) The full true name of the applicants;
 - (2) The full true name under which the sexually oriented business will be operated and, if the business will be operated in a name other than that of the applicant, a certified copy of the assumed name certificate prepare and recorded in the Camden County Register of Deeds Office pursuant to North Carolina General Statutes 66-68 et seq.;
 - (3) The type of sexually oriented business the applicant intends to operate;

- (4) Whether the applicant intends to serve alcoholic beverages at the sexually oriented business and/or apply for an ABC permit;
- (5) The address where the sexually oriented business is to be operated and where the books and records are maintained for examination;
- (6) If the owner of the real property upon which the sexually oriented business is to be operated is not the applicant, the name and address of the owner of the real property which the business is to be operated and a copy of the lease or rental agreement;
- (7) The principal telephone number to be used by the sexually oriented business;
- (8) If the applicant is an individual, the applicant shall appear in person and deliver a completed and signed application form and provide the following information:
 - i. His or her present residence and business address and telephone numbers,
 - ii. A valid driver's license or other government issued picture identification; and
 - iii. Social security number;
 - iv. A certified copy of their criminal history from the Camden County Clerk's Office. If they have not lived in Camden County for at least two years, then they must provide a certified copy of the criminal history from the counties that they have lived in for the past five years.

If the applicant is a partnership or corporation, the applicant shall designate one of its general partners or officers to act as its agent. Such person shall appear in person and deliver a completed and signed application form and shall provide the following information:

- i. His or her present residence and business addresses and telephone numbers
- ii. A valid driver's license or other government issued picture identification, and
- iii. Social Security number;
- iv. A certified copy of their criminal history from the Camden County Clerks Office. If they have not lived in Camden County for at least two years, then they must provide a certified criminal history from the counties that they have lived in for the past five years.

If the applicant is a partnership:

- i. The name, residence address and telephone number, and social security number of each partner, including limited partners, and
- ii. A copy of the partnership agreement. If one or more of the partners is a corporation, the provisions of this subparagraph pertaining to corporations shall apply;
- iii. The criminal history would apply as above to all partners.

If the applicant is a corporation:

- i. A certified copy of the articles of incorporation, a certified copy of the certificate of authority, and a certified copy of the most recent annual report filed with the Secretary of State of North Carolina, and
- ii. The name, residence address and telephone number, and social security number of each of its current officers and directors, and of any stockholder holding fifty (50) percent or more of the stock of the corporation.

- (9) The name, residence address and telephone number, and social security number of each individual who will be an operator of the business. A criminal history as stated above on each individual.
- (10) A federal tax identification number assigned to the sexually oriented business and a completed tax information authorization form (IRS Form 8821) authorizing only the verification of said number.
- (11) A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared by must be drawn to a designated scale or draw with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches. The requirements of this paragraph shall not apply for renewal applications if the applicant adopts a sketch or diagram that was previously submitted for the license sought to be renewed and if the licensee certifies that the licensed premises has not been altered since the immediately preceding issuance of the license and that the previous sketch or diagram continues to accurately depict the layout of the licensed premises.
- (12) If the applicant wishes to operate an adult live entertainment business or an adult mini motion picture theatre, then said applicant shall comply with the application requirements stated within this ordinance.
- (13) The application shall be sworn to be true and correct by the applicant.
- (14) An applicant for a license under this section shall have a continuing duty to promptly supplement application information required by this section in the event that said information changes in any way from what is stated on the application. The applicant shall supplement the application on file with the Sheriff's Office within thirty (30) days from the date of such change.
- (15) In the event that the Sheriff's Department determines or learns at any time that the applicant has improperly completed the application for a proposed sexually oriented business, it shall promptly notify the applicant of such fact and allow the applicant ten (10) days to properly complete the application. The time period for granting or denying a license shall be stayed during the period in which the applicant is allowed an opportunity to properly complete the application.
- (16) The applicant shall be required to pay a non-refundable application and investigation fee.
- (17) Laws that will cause for denial of license, under indictment or has a finding of probable cause been entered for a pending felony charge, have been adjudicated guilty in any court of a felony, a fugitive from justice, a unlawful user of, or addicted to marijuana, alcohol, or any depressant, stimulant, or narcotic drug, or any other controlled substance, have been discharged from the armed force under conditions other than honorable, have been adjudicated guilty of or received a prayer for judgment continued or suspended sentence for one or more crimes of violence constituting a misdemeanor, including but not limited to, a violation of the disqualifying criminal offenses listed below; prostitution, crime against nature, violating orders of the court 14-226.1, harassment and communication with juror 14-225.2, carry weapons into assemblies and establishments where alcoholic beverage are sold and consumed 14-269.3, possession and sale of spring-loaded projectile knives 14-269.6, impersonation of fireman or emergency medical officer or other public officer 14-277, stalking 14-277.3, throwing, dropping, etc. object at sporting events 14-281.1., child abuse 14-318.2, violation of proclamation of chairman of county commissioners extending emergency restriction imposed in municipality 14-288.14, violation of county ordinance dealing with states of emergency 14-288.13, assault on emergency personnel 14-288.9, looting; trespass during emergency 14-288.6, riot, inciting riot 14-288.2.

Article VI. PROHIBITED ACTIVITIES

It shall be a violation of this ordinance for:

1. Any person in a sexually oriented business to appear in a state of full nudity or depict specified sexual activities.
2. An owner, operator, manager, employee, entertainer, or contract personnel, or any customer or patron to appear "bottomless" or in a state of full nudity while on the premises of a sexually oriented business.
3. An owner, operator, manager, employee, entertainer, or contract personnel or any customer or patron to perform any specified sexual activities defined in this ordinance, wear or use any device or covering exposed to view which stimulates any specified anatomical area, use artificial devices or inanimate objects to perform or depict any of the specified sexual activities, as defined in this ordinance, or participate in any act of prostitution while on the premises of a sexually oriented business.
4. To provide a private dance, viewing, projection or meeting area within a sexually oriented business, unless the same is in view of all other patrons or customers and in an open area that can be inspected by the sheriff's office or other officials.
5. For a non-adult business to display or merchandise adult, sexual oriented implements and paraphernalia, including but not limited to: dildos, auto sucks, sexually oriented vibrators, edible underwear, ben-wa balls, inflatable orifices, anatomical balloons with orifices, simulated and battery operated vaginas, and similar sexually oriented devices.
6. For an owner of a sexually oriented business, or his/her/its agents or employees to allow the merchandise or activities of the establishment to be visible or audible from any point outside the establishment.

Article VII. LOCATION OF A SEXUALLY ORIENTED BUSINESS

- A. A sexually oriented business may not:
 1. Locate in area of the County zoned and used for residential purposes;
 2. Locate within five hundred (500) feet in any direction from a Residential Zoning district or a Commercial Business.
 3. Locate within two hundred (200) feet in any direction from a building in which a sexually oriented business is located.
 4. Locate within one thousand (1,000) feet in any direction from a building in which a religious complex is located.
 5. Locate within one thousand (1,000) feet in any direction from a building in which a library, school, or a state licensed child day care center is located.
 6. Locate within one thousand (1,000) feet in any direction from any lot or parcel on which a public playground, public swimming pool, or public park is located.
- B. Measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the party of the premises where a sexually oriented business is conducted to the nearest portion of a building, structure or zoning district listed above.

Article VIII. CRIMINAL PENALTY

Any person who violates any of the provisions of this article shall be guilty of a misdemeanor as provided in North Carolina General Statute 14-4 and, upon conviction, shall be subjected to a maximum fine of five hundred dollars (\$500.00), or imprisonment, or both. Each violation shall be considered a separate and distinct offense, and each day of continued violation shall be considered a separate offense. The issuance of a notice of violation or a suspension or revocation of a sexually oriented business license shall not prohibit the imposition of a criminal penalty and the imposition of a criminal penalty shall not prevent the issuance of a notice of violation or a suspension or revocation of a license.

Article IX. CIVIL INJUNCTION

In addition to the issuance of a notice of violation, the suspension or revocation of a sexually oriented business license, or a prosecution for criminal violations, any person who violates this article may be subject to all civil and equitable remedies stated in North Carolina General Statute 153A-123.

Article X. SEVERABILITY

In the event that any provision in this article, or any part thereof, or any application thereof to any person or circumstance, is for any reason held to be unconstitutional or otherwise invalid or ineffective by any court of competent jurisdiction on its face or as applied, such holding shall not affect the validity or effectiveness of any of the remaining provisions of this article, or any part thereof, any application thereof to any person or circumstance or of said provision as applied to any other person or circumstance. It is

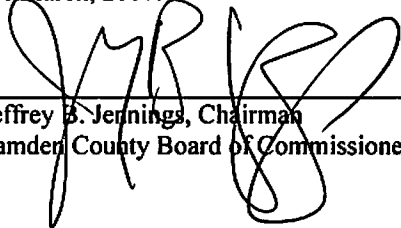
hereby declared to be the legislative intent of the county commissioners that this article would have been adopted had such unconstitutional, invalid, or ineffective provisions not been included herein.

- (a) Issuance of a sexually oriented business license does not excuse a licensee from compliance with any other applicable ordinance, regulation, or statute. By issuing a sexually oriented business license, the sheriff has not determined that the recipient is in compliance with any applicable local, state, or federal regulation or law or that the recipient is otherwise engaged in a legal activity or operating a business in a legal manner.

Article X. Effective Date

This Ordinance is effective upon adoption.

Adopted by the Board of Commissioners for the County of Camden as a new Chapter 154 of the Camden County Unified Development Ordinance this 19th day of March, 2007.


Jeffrey B. Jennings, Chairman
Camden County Board of Commissioners

(SEAL)

ATTEST:


Ava Gurganus
Clerk to the Board

Consideration of Ordinance No. 2007-02-02 – A Proposed Ordinance Amending the Camden County Code of Ordinances – Chapter 151

Hearing no objection, Chairman Jeffrey Jennings laid Ordinance No. 2007-02-02 over until April 2, 2007 in order to obtain further information.

Consideration of Ordinance No. 2007-03-01 – An Ordinance of the Camden County Board of Commissioners to Establish a Set of Development Review Procedures and Evaluation Criteria Upon Expiration of Moratorium on Residential Subdivision Development

Commissioner Carolyn Riggs asked if the zoning ordinances needed to be in place before the Board approves Ordinance No. 2007-03-01.

Planning Director Dan Porter stated this ordinance and the zoning ordinances do not go hand and hand.

Commissioner Carolyn Riggs inquired how a request from a developer can be considered for a development in a given area without the zoning in place.

Planning Director Dan Porter stated that by having the time as stated in Ordinance No. 2007-03-01 to study the request will help develop minor changes to the zoning.

Commissioner Philip Faison made a motion to approve Ordinance No. 2007-03-01. The motion passed with Commissioners Melvin Jeralds, Carolyn Riggs, Mike Andrews, Philip Faison and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Approved Ordinance No. 2007-03-01 reads as follows:

Ordinance No. 2007-03-01

**AN ORDINANCE OF THE CAMDEN COUNTY BOARD OF COMMISSIONERS TO
ESTABLISH A SET OF DEVELOPMENT REVIEW PROCEDURES AND EVALUATION
CRITERIA UPON EXPIRATION OF MORATORIUM ON RESIDENTIAL SUBDIVISION
DEVELOPMENT**

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

Article I: Purpose

The purpose of this ordinance is to provide for: 1) the orderly transition of review and approval process for residential development proposals following a long term moratorium on development; and 2) implementation of an evaluation procedure based on growth principals that encourage efficient use of natural resources, existing and planned infrastructure, and 3) conduct of community participation in the early stages of plan reviews.

Article II: Findings

Pursuant to North Carolina General Statutes Chapter 153A, the County is empowered to implement land use and associated regulations that protect the health, safety, and welfare of its citizens. Camden County adopts this ordinance pursuant to its police power, zoning authority, and its authority to regulate subdivisions.

Specifically, the County's authority to regulate based on its police powers is found in N.C.G.S. § 153A-121, General Ordinance-Making Power, where it is stated in Section (a): *"A county may by ordinance define, regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the county."*

The County's authority to regulate through zoning powers is found in N.C.G.S. § 153A-340, Grant of Power, where it is stated in Section (a): *"For the purpose of promoting health, safety, morals, or the general welfare, a county may adopt zoning and development regulation ordinances."* The County's power to regulate through zoning is also found in N.C.G.S. § 153A-341, Purposes in View, where it is stated: *"Zoning regulations shall be designed to promote the public health, safety, and general welfare. To that end, the regulations may address, among other things, the following public purposes: to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to lessen congestion in the streets; to secure safety from fire, panic, and dangers; and to facilitate the efficient and adequate provision of transportation, water, sewerage, schools, parks, and other public requirements."*

The County's power to regulate subdivisions is found in N.C.G.S. § 153A-331, Contents and Requirements of Ordinance, where it is stated in section (a): *"A subdivision control ordinance may provide for the orderly growth and development of the county; for the coordination of transportation networks and utilities within proposed subdivisions with existing or planned streets and highways and with other public facilities; ... and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions that substantially promote public health, safety, and the general welfare."*

In order to provide for the orderly growth of Camden County and to protect the health, safety, and welfare of its citizens, the County adopted an Advanced Core CAMA Land Use Plan for Camden County on April 4, 2005. Camden County's Community vision, which is set forth in this plan, designates Camden as an "area of controlled growth designed to maintain its rural and cultural heritage." The vision statement further provides: "The County will provide improved infrastructure, quality subdivisions, and expanded recreational opportunities." Finally, "Future development will have as its foundation the preservation of Camden County's quality of life, including its natural resources."

Pursuant to N.C.G.S. § 153A-341, prior to adopting or rejecting any zoning amendment, a County's governing board shall adopt a statement describing whether its action is consistent with an adopted Comprehensive Plan and explaining why the board considers the action taken to be reasonable and in the public interest. The County finds that the provisions of N.C.G.S. § 153A-341 comply with the North Carolina General Assembly's recognition of the importance of the Comprehensive Plan in guiding land development in North Carolina Counties.

In Camden County's Advanced Core CAMA Land Use Plan (LUP), it is set forth as a policy: *"Within the village/corridor sub-areas, the policies and implementing actions included within this plan apply. However, policy P.31 and implementing action I.27 on page 149 specifically address the implementation of "smart growth" actions within the sub-areas. In addition, the infrastructure carrying capacity policies and implementing actions focus on the sub-areas."*

In November 2003 Camden County established a moratorium on all major residential subdivision development, and that moratorium has been extended multiple times and is scheduled to expire on April 2, 2007.

During the period of the moratorium the Planning Board has recommended and the Board of Commissioners has approved several amendments to the County Unified Development Ordinance. Furthermore, the Planning Board and Board of Commissioners has researched and embraced the concepts and principles of Smart Growth as recommended in multiple policies of the CAMA Advanced Core Land Use Plan.

During the period of the moratorium the County's growth rate has continued to average 7% annually, and continued inquiries by potential developers indicate that multiple development applications will be requested immediately upon expiration of the current moratorium.

Article III. Applicability

This ordinance shall apply to all applications for rezoning and major subdivisions of land for residential purposes received after April 2, 2007.

Article IV. Procedure

Upon expiration of the moratorium on residential subdivision development, the county planning department will receive and review concept and sketch plans for subdivisions through June 4, 2007. After June 4, 2007 Camden County Planning Staff will have 60 days to review plans, during which time staff will meet with potential applicants, provide criteria by which projects will be evaluated, and encourage designs that address the principles stated below. Submittals of concept and sketch plans will not be considered as formal applications.

Following the 60 day review period all projects under review will be subject of public meetings and presentation for a period of 60 days with the purpose of receiving community input regarding location, design, impact on environment and community, impact on available infrastructure, economic benefits, and voluntary mitigation of negative impacts. During this period the county will consider amendments to the Unified Development Ordinance that may be required for approval of proposals that exhibit exemplary conformance with the principals below, but may otherwise be in conflict with existing regulations.

At the end of the two review periods, sketch plans will begin the formal approval process in an order based on the staff evaluation and community feedback.

Review of projects submitted after the initial 60 day period shall be delayed until November 5, 2007.

Article V. Principles

In practice, smart growth implementation is shaped by 10 principles:

1. Provide a Variety of Transportation Choices
2. Mix Land Uses
3. Create Range of Housing Opportunities and Choices
4. Create Walkable Neighborhoods
5. Encourage Community and Stakeholder Collaboration
6. Foster Distinctive, Attractive Communities with a Strong Sense of Place
7. Make Development Decisions Predictable, Fair and Cost Effective
8. Preserve Open Space, Farmland, Natural Beauty and Critical Environmental Area
9. Strengthen and Direct Development Towards Existing Communities
10. Take Advantage of Compact Building Design and Efficient Infrastructure Design

Article VI. Evaluation Criteria

Ten criteria have been established as minimums that a project must meet prior to being considered for further review as an exemplary Smart Growth project. The criteria below will be used in a detailed scorecard that will be provided to applicants by the planning department at their initial meeting:

1. Location
2. Service Provision and Government Expenditures
3. Density and Compactness
4. Diversity of Use
5. Housing Diversity
6. Transportation: Accessibility
7. Transportation: Mobility and Connections
8. Community Character and Design
9. Environmental Protection
10. Community Needs and Local Development

These criteria reflect the basic smart growth concepts that growth should be directed towards existing communities, and away from designated agricultural, open space, cultural and environmentally sensitive areas. Similarly, development should occur at densities that reduce patterns of sprawling land consumption. The core principles focus on the use of land: consumption, direction, density, form, and use.

Use of the review procedure and evaluation criteria outlined in this ordinance is for the purpose of prioritizing projects through the formal review and approval process, and for determining the relative merit of development proposals. This ordinance shall not relieve applicants from meeting design standards and procedures elsewhere in Chapter 151 of the County Codes.

GENERAL GUIDELINES FOR STAKEHOLDER PARTICIPATION AND COMMUNITY INVOLVEMENT

The scorecard and the criteria with in should be used to evaluate the relative merit of proposed projects within the context of a citizen and stakeholder participation process.

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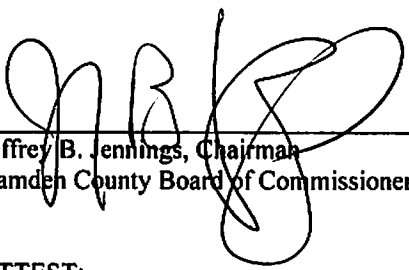
The community can use the scorecard to identify their concerns and to work with the project proponent or developer to adjust the designs and proposal elements. The scorecard is designed to build the community's vision for its future and its commitment to smart growth by shaping new development using the ten criteria.

The community can also choose to emphasize specific sections of the scorecard in its evaluation process to highlight important elements in the context and location of the proposed project. It can choose to emphasize Environmental Protection for projects located in environmentally sensitive areas or choose Community Character and Design for projects within designated downtowns, town or village centers. The community can choose to require that the project meet Excellent standards in these categories.


Adopted this 19th day of March, 2007 by the Camden County Board of Commissioners.

This ordinance shall expire on November 4, 2007.

(SEAL)


Jeffrey B. Jennings, Chairman
Camden County Board of Commissioners

ATTEST:


Ava J. Gurganus
Clerk to the Board

Michael Brown – NC Dept of Revenue

Michael Brown, North Carolina Department of Revenue, Property Tax Division, briefed the Board regarding the powers, duties, and performance of the Board of Equalization and Review, and also reviewed the Member's Handbook.

Mason Spruill – 2005-2006 Audit

Mason Spruill, CPA, presented the FY2005-2006 Financial Audit Report.

Commissioner Melvin Jeralds made a motion to accept the FY2005-2006 Financial Audit Report as presented by Mason Spruill. The motion passed with Commissioners Melvin Jeralds, Carolyn Riggs, Mike Andrews, Philip Faison and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Tax Releases, Pick Ups and Refunds

Commissioner Melvin Jeralds made motion to approve the tax releases, pick ups and refunds as submitted by the Tax Administrator. The motion passed with Commissioners Melvin Jeralds, Carolyn Riggs, Mike Andrews, Philip Faison and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Kenneth Chappell	339.63	Release	Double Listing
Johnny Dye	136.69	Release	Wrong County
R. Brandal/A. Laroch	146.18	Release	Military Exempt
Cody Hudock	146.28	Release	Military Exempt
Raymond Gregorich III	170.68	Release	Military Exempt
Wesley Justice	108.30	Release	Wrong County
Bridget Wood	172.05	Release	Wrong County
Rex & Cheri Lott	316.21	Release	Military Exempt
Jon Clark	258.02	Release	Military Exempt
Carlton Harris	159.01	Pick Up	Roll Back Tax
Elwood Armstrong	258.08	Pick Up	Roll Back Tax
Derek Smithson	1,299.17	Release	Other
	305.40	Pick Up	
Johnny Tipton	316.28	Release	Other
	52.72	Pick Up	
	263.56	Adjustment	
John Propster	529.97	Release	Incorrect Value
	22.95	Pick Up	
	640.68	Adjustment	
George Raper & Son	9.50	Release	Incorrect Value
	802.75	Pick Up	
	793.25	Adjustment	
Kim Sawyer	926.75	Release	Farm Use not applied
	351.18	Pick Up	
	- 575.57	Adjustment	

Tax Collection Report –February 2007

Commissioner Mike Andrews made a motion to approve the tax collection report as submitted by the Tax Administrator for February 2007 in the amount of \$207,689.77. The motion passed with Commissioners Melvin Jeralds, Carolyn Riggs, Mike Andrews, Philip Faison and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Refunds to be Issued by the Finance Office

Commissioner Philip Faison made a motion to approve the refunds to be issued by the Finance Office in the amount of \$510.66. The motion passed with Commissioners Melvin Jeralds, Carolyn Riggs, Mike Andrews, Philip Faison and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Authorization to Collect – Nov. 2006 Renewals

Commissioner Mike Andrews made a motion to approve the authorization to collect November 2006 vehicle renewals in the amount of \$56,348.58. The motion passed with Commissioners Melvin Jeralds, Carolyn Riggs, Mike Andrews, Philip Faison and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Set Public Hearing and Introduce – Ordinance No. 2007-03-02 – An Ordinance Amending the Camden County Zoning Map –Rezoning Application – Tark & Associates – UDO 2007-01-17

Commissioner Melvin Jeralds made a motion to introduce and set public hearing on Ordinance No. 2007-03-02 for April 16, 2007 at 7:00 p.m. or as soon thereafter as the agenda allows. The motion passed with Commissioners Melvin Jeralds, Carolyn Riggs, Mike Andrews, Philip Faison and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Set Public Hearing and Introduce – Ordinance No. 2007-03-03 – An Ordinance Amending the Camden County Zoning Map

Commissioner Mike Andrews made a motion to introduce and set public hearing on Ordinance No. 2007-03-03 for April 16, 2007 at 7:00 p.m. or as soon thereafter as the agenda allows. The motion passed with Commissioners Melvin Jeralds, Carolyn Riggs, Mike Andrews, Philip Faison and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Set Public Hearing and Introduce – Ordinance No. 2007-03-04 – A Proposed Ordinance Amending the Camden County Code of Ordinances Chapter 151

Commissioner Mike Andrews made a motion to introduce and set public hearing on Ordinance No. 2007-03-04 for April 16, 2007 at 7:00 p.m. or as soon thereafter as the agenda allows. The motion passed with Commissioners Melvin Jeralds, Carolyn Riggs, Mike Andrews, Philip Faison and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Volunteer Form - Janice Hassell

Staff received a volunteer form from Janice Hassell.

Information only. No action taken.

Sheriff Department – Request for Budget Funds

Commissioner Philip Faison made a motion to approve Sheriff Tony Perry's request for budget funding in the amount of \$7,500.00 for the Sheriff's Department part time Bailiffs

fund to cover the increased number of court dates. The motion passed with Commissioners Melvin Jeralds, Carolyn Riggs, Mike Andrews, Philip Faison and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Miscellaneous Oral Report

County Manager Randell Woodruff asked for a letter or resolution in opposition of the Outlying Landing Field (OLF) being located in Washington County.

Commissioner Carolyn Riggs made a motion to not draft a resolution of opposition to the OLF. The motion passed with Commissioners Melvin Jeralds, Carolyn Riggs, Mike Andrews and Philip Faison voting aye; Chairman Jeffrey Jennings voting no; no Commissioner absent; and no Commissioner not voting.

Closed Session

Commissioner Melvin Jeralds made a motion to go into closed session pursuant to G.S. 143-318.11(a)(3) for the purpose of consulting with the County Attorney within the scope of Attorney-Client Privilege, and pursuant to G.S. 143-318.11(a)(3) for the purpose of consulting with Attorneys regarding litigation brought by the City of Chesapeake regarding Black Bear Disposal. The motion passed with Commissioners Melvin Jeralds, Carolyn Riggs, Mike Andrews, Philip Faison and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

The Commissioners entered closed session at 9:44 p.m.

Commissioner Faison made a motion to go out of closed session and back into regular session. The motion passed with Commissioners Melvin Jeralds, Carolyn Riggs, Mike Andrews, Philip Faison and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

The Commissioners re-entered regular session at 10:42 p.m.

Adjournment

Chairman Jeffrey Jennings called for any motions.

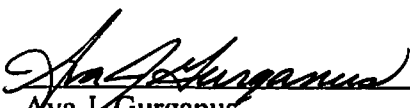
Hearing no motions, Commissioner Melvin Jeralds made a motion to adjourn the meeting. The motion passed with Commissioners Melvin Jeralds, Carolyn Riggs, Mike Andrews, Philip Faison and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

The meeting adjourned at 10:42 p.m.



Jeffrey B. Jennings, Chairman
Camden County Board of Commissioners

ATTEST:



Ava J. Gurganus
Clerk to the Board