

CAMDEN COUNTY BOARD OF COMMISSIONERS
Board Retreat – March 9th, 2015

Camden County Board of Commissioners
Board Retreat
March 9th, 2015
10:00 A.M. – Board Retreat
Historic Courtroom, Courthouse Complex
Camden, North Carolina

MINUTES

The Camden County Board of Commissioners held a Board Retreat on March 9th, 2015 in the Public Library, Camden, North Carolina. The following Commissioners were present:

Chairman Michael McLain,
Commissioners Garry Meiggs, Clayton Riggs and Tom White;

Vice Chairwoman Sandra Duckwall was not present.

Also attending were County Manager Michael Renshaw, Clerk to the Board Angela Wooten and County Attorney John Morrison. Present for purposes of making a presentation(s) or providing supporting information for agenda items were the following persons: Planning Director Dan Porter, Public Works Director David Credle and Economic Director Charlie Bauman.

Board Retreat, 10:00 A.M.

Chairman Michael McLain called to order the March 9th, 2015 Board Retreat at 10:10 A.M.

Overview of Parliamentary Procedures

The County Attorney John Morrison gave an overview of Parliamentary Procedures from “Suggested Rules of Procedure for the Board of County Commissioners” by Joseph S. Ferrell. He reminded the Board they adopted the “Suggested Rules of Procedure for the Board of County Commissioners” and not “Roberts Rules of Order”.

A copy of “Suggested Rules of Procedure for the Board of County Commissioners” by Joseph S. Ferrell is kept in the Clerk’s office for Public Inspection.

Role of Board Chair

The County Attorney John Morrison gave a brief overview of the Chairman’s role.

- *Selected by majority vote at the organizational meeting*
 - *One year term but may be elected for successive terms*
 - *Must vote on all issues presented*
 - *Declare state of emergency under state law governing riots and civil disorders*
 - *Call a special meeting of the BOC*
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Overview of Board Authority Under State Law

- 1) *Counties are creatures of the state established to carry out state policy – chartered by the North Carolina Constitution*

CAMDEN COUNTY BOARD OF COMMISSIONERS
Board Retreat – March 9th, 2015

- a. NC Constitution Article VII, Section 1 - *The General Assembly shall provide for the organization and government and the fixing of boundaries of counties, cities, and towns, and other governmental subdivisions and except as otherwise prohibited by this constitution and may give such powers and duties to counties, cities, and towns and other governmental subdivisions as it may deem advisable*
 - b. Some powers given by state exclusively to counties
 - i. Community college
 - ii. Public health
 - iii. Schools
 - iv. Register of Deeds
 - v. Social services
 - c. Many powers now given jointly to cities and counties such as:
 - i. Police power – ordinance making
 - ii. Zoning and land use
 - iii. Ambulance services
 - iv. Animal shelters
 - v. Economic development
 - vi. Fire protection
 - vii. Jails
 - viii. Libraries
 - ix. Public housing
 - x. Solid waste collection
 - xi. Water and watersheds
 - d. Some powers given exclusively to cities
 - i. Roads and streets
 - ii. Sidewalks
 - iii. Traffic engineering
 - iv. Gas and electric systems
 - e. Remember we are both a city and a county
- 2) Cities are concentrations of population, chartered by the legislature, which are willing to tax themselves in order to provide services a county will or cannot; they are not designed to carry out state policy
- 3) Both cities and counties are “bodies politic and corporate”
- a. A legal existence separate and apart from the state
 - b. Can sue and be sued
 - c. Are corporate citizens of North Carolina and the U.S. with rights afforded under the constitution?
 - d. Yet, oddly, the county is also an agent of the state
- 4) Conflicts of Law - Of otherwise constitutional:
- a. Federal law trumps state law and county ordinance
 - b. State law trumps county ordinance
 - c. This is known as preemption or the supremacy clause in the U.S. Constitution
- 5) Limited Government
- a. No government or governmental entity has more power than given to it by the constitution either U.S. or North Carolina
 - b. Hence, governments (at least in theory) cannot create their own power
 - c. In NC, this limitation further applies to the relationship between counties and the state (General Assembly)
- 6) Dillon's Rule (*ultra vires*)

CAMDEN COUNTY BOARD OF COMMISSIONERS
Board Retreat – March 9th, 2015

- a. Local governments are creatures of the legislature
- b. Local governments only have the power specifically given to them by the legislature
- c. Acts by a local government outside this grant of power are ultra vires, unconstitutional and void
- d. Case in point – school impact fee

Adequate Public Facilities Ordinance

The County Attorney John Morrison explains the purpose of the Adequate Public Facilities Ordinance is to project future growth and plan for adequate schools.

The County's largest source of revenue is Property Tax
Largest expense – Public Education
North Carolina is not one of the 30 states that allow school impact fees

Planning Director Dan Porter explains how the projected student numbers are generated and reviewed some charts he prepared.

31% High School & CamTech
16% Middle School
53% Intermediate & Elementary School

Since 2003 641 new homes have been built within the county. Of those, only 252 had children.

Mr. Porter explains that the projected numbers rate used within the UDO level of service for issuing permits needs to be reevaluated and he plans to give the same presentation to the APFO Committee and will recommend a new level of Service be adopted.

The High School is about 60 students over capacity right now. In years past the number of students in high school has increase by an average of 30 students per year. This year, the rate slowed to an increase of 1 student.

John Morrison stated that in addition to business tax, the county may want to consider an Age Restricted Subdivision as a means to help fund the schools.

Mr. Porter agreed that this is a great idea in theory, but cautioned that if the county doesn't have enough need these subdivision can become a nightmare very quickly.

The Board Recessed at 11:35 A.M. for lunch and Reconvened at 11:48 A.M.

Water Line System Requirements for Development

The County Manager Mike Renshaw acknowledges the 3 Camden Citizens he invited for this discussion. All three reside on Neck Road in Shiloh. He then turned the discussion over to Planning Director Dan Porter and Public Works Director David Credle.

Mr. Porter informs the board of the 2 issues prompting this discussion:

CAMDEN COUNTY BOARD OF COMMISSIONERS
Board Retreat – March 9th, 2015

1. *Complaints from water customers in the South Camden Water & Sewer District that insurance rates are increasing dramatically due to lack of fire hydrants within their neighborhoods.*
 - *Older neighborhood served by a 4" water main cannot support fire hydrant flows which require at least 6" water supply.*
2. *The Green Meadows Subdivision developer in South Mills is unable to proceed due to a requirement of the South Mills Water Association (SMWA) that all residential subdivisions must be served by at least a 6 inch water line. This 9 lot subdivision is currently being served by approximately 1000 ft. of 4 inch line.*
 - *Proposed 9 lot subdivision with access to South Mills Water Association 4" line, whereas SMWA requires all new development install at least 6 inch service for fire hydrant protection. The opinion of the SMWA is that the developer is responsible for the replacement of the 4 inch line from Bunker Hill (outside the subdivision) to the entrance of the subdivision, approximately 1000 ft., with 6 inch service at a cost of about \$30/ft or about \$30,000.*

Considerations:

- *Fire insurance ratings are based on severable variables including fire department capabilities and water supply infrastructure.*
 - *Primary consideration is distance from fire station. If over 6 miles driving distance than the insurance premium is based on a rating of 10, which is the worst rating there is.*
 - *Secondary consideration is availability and distance to fire hydrant. If within 6 mile criteria, fire hydrant presence can make a 15% - 20% difference in premiums.*
- *Adequate flow to support fire hydrants is at least a 6 inch line.*
- *Camden County has considerable area with water service available but less than 6 inch lines, in both South Mills and South Camden districts.*
- *SMWA rules and regulations*
 - *All water lines must be in two hundred (200) psi schedule water lines. Nothing else will be accepted.*
 - *No lines, valves, or fittings less than 6 inches will be accepted.*
- *UDO requirements*
 - **151.171**
 - *Subdivisions shall install water lines based on formula of distance from existing water lines*
 - *100 ft. per house for first 10*
 - *20 ft. per house for each over 10*
 - *Shall construct water system that complies with standards and specification of water system that has jurisdiction over location*
 - *All planning and construction costs are the developer's obligation.*
 - *Water system may require oversized facilities to serve future growth, for which the betterment is paid by the water system.*
 - **151.182**
 - *Major subdivisions with 6 inch lines must install fire hydrants. (6 inch lines not specifically required.)*
 - *Minor subdivision exempt from requirement*
 - **151.183**

CAMDEN COUNTY BOARD OF COMMISSIONERS
Board Retreat – March 9th, 2015

- Allows fire protection using ponds or nearby water source – if approved by fire department. (No insurance premium effect unless fire department is so certified – which is next to impossible)
- 151.261
 - Minor subdivisions shall connect if within 1000 ft of public water system
 - If further than 1000 ft. exemption requires letter from water system showing no plans to extend service to area within 5 years
- 50.01
 - (B) (1) Pursuant to G.S. §§ 153A-1 through 153A-284, every applicant for a building permit of a dwelling or commercial building shall present proof that the building site is presently or shall be connected to a public water supply system where the public water supply system is located within 400 feet of the building site.

Policy Questions:

- Should UDO require mandatory connection to water system for all development?
- Should UDO require installation of at least 6 inch lines for all new development?
 - Where no service is currently available?
 - Where service is available with less than 6 inch lines?
 - Who is responsible for line upgrades?
- If developer installs or replaces 6 inch lines off site to serve development, can developer recoup costs from future development along the portion of the line which is now compliant? If yes – how?
 - David Credle advises the Waste Water policy has provisions for a developer to recoup up to 100% of the cost.
- Should county of Water/Sewer District consider long term capital expense program to upgrade to 6 inch lines?
 - Manager Renshaw informs the board that they will meet to discuss the Capital Improvement Plan on March 16th, 2015.

Policy Impacts:

- If 6 inch lines are required
 - County has a tool to contain growth to areas already served with exception where development feasibility will support private infrastructure investment sufficient to comply.
 - County may target specific growth areas to upgrade service.
 - Provision of water service will be consistent throughout county.
- If 6 inch lines are not a specific requirement future residents will be impacted with high insurance premiums.
 - If County does not upgrade lines to existing neighborhoods current residents will continue to have high premiums.

Manager Renshaw introduces the three Camden residents that all reside in a subdivision less than 10 years old on Neck Road in Shiloh. This subdivision is serviced by a 4 in water line therefore impacted with the increased insurance premiums.

They would like to know how and why 6 inch lines were not installed if this is what the county's policy is.

Commissioner Riggs states this was based on the Engineer's recommendation back 1994 before the county adopted 6 inch regulations.

CAMDEN COUNTY BOARD OF COMMISSIONERS
Board Retreat – March 9th, 2015

Mr. Credle informs the residents that in 1994 a 4 inch line was a more than adequate drinking water supply and fire protection wasn't a consideration at that time.

Mr. Porter introduces a financial assistance option to be considered. Special Assessment is an option where property owners within a designated area can borrow enough money to complete the capital improvement and pay it back over a 10 year period.

The County manager states he would like some suggestions from the board as to how to minimize this issue moving forward, as this is not the only subdivision having this issue.

Chairman McLain suggests changing the policy to mimic the South Mills Water Association.

The residents would like to be provided a schedule of when the county is going to flush the water lines. They believe their lines have been missed and are concerned with the level of bacteria in their water.

After some discussion it was decided that the public works department will do a better job of notifying the residents when their lines will be flushed.

Mr. Renshaw comments on the placement of the Volunteer fire Stations and the planning by his predecessors to include as many homes as possible in the 6 mile radius.

Economic Development Activities

Economic Developer Charlie Bauman updated the board with a presentation of the current status of economic development within the county.

➤ State & Regional Economic Development

- *Economic Development Partnership (EDP) of North Carolina*
 - *County presentation to marketing staff in April*
 - *County Manager to set up meeting in Raleigh with (EDP) Chris Chung Governor McCrory, Transportation Secretary Tatum, Commerce Secretary Skvarla to discuss Business opportunity in Camden*
 - *New Initiative, NC Prosperity Zones, directing business by assistance toward Camden*
 - *State Economic Development Incentives*
- *N.C. East Alliance*
 - *County participation and communication has been growing in regional meetings/organizational development*
 - *The County Manager recommends attending a "Lunch and Learn" meeting.*
 - *More resources are being provided to Camden*
- *Albemarle Commission*
 - *Comprehensive Economic Development Strategy*
 - *OBX Chamber of Commerce – March 17th Breakfast Revolving Loan Fund*

➤ Visibility Campaign—Lead Generation

- *Expansion Solutions* Advertorial
 - *April/May Edition of publication*
 - *Highlights Key Information*
 - *Provides a monthly report of Leads to follow up on*
 - *Provides a Matrix targeting follow ups by type of industry*
- *Targeted Industries*

CAMDEN COUNTY BOARD OF COMMISSIONERS
Board Retreat – March 9th, 2015

- *Global Real Estate Convention*
 - *Great American Trucking Show/logistics*
 - *International Economic Development Council*
 - *Lead Follow Ups*
 - *Over 150 leads from the 2014-Expansion Solutions*
 - *Additional lead opportunities to come from 2015-Expansion Solutions*
 - *S.L. Nusbaum Regional Real Estate Development Event*
 - *Virginia Port Authority*
 - *Commercial Real Estate Community*
 - ***Retail Initiative***
 - *Dollar General*
 - *Grand Opening April 25th, 2015*
 - *Camden Towne Center*
 - *EDIG commitment by County Board of Commissioners*
 - *Commencement of Construction of Phase I*
 - *National Grocery Brand Attraction Activity*
 - *Aggressive pursuit of grocery operation for US 158 corridor*
 - *Service/Retail Development US 158*
 - *There are 3 – 4 shovel ready retail lots available along the US 158 corridor*
 - *Interest in select sites in corridor*
 - *Land transfer of Gordon Property*
 - *Outparcel sale/development - Camden Towne Center*
 - *Finance Officer Stephanie Humphries is looking into available EDA Water & Sewer Grant opportunities should Retail businesses Commit.*
 - ***Eco Park***
 - *Expansion Solutions Lead Opportunities*
 - *Infrastructure & Engineering Water Line Extension is ongoing for the eastern side of the Eco Park.*
 - *The county has been in discussions for approximately 5 months, trying to meet the needs of a potential occupant.*
 - *Out of the 100 acres in the Eco park, there are approximately 77 developable in the park*
 - ***One Mill Park***
 - *Should be opening in the spring of 2015*
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Meeting Adjourned

At 3:15 P.M., Chairman McLain asked if there were any other matters to come before the Board of Commissioners, hearing none, and by acclamation the meeting was adjourned.

Chairman McLain
Camden County Board of Commissioners

ATTEST:

Angela L. Wooten
Clerk to the Board