

**Camden County Board of Commissioners**

**Closed Session – 6:00 P.M.  
Regular Meeting -7:00 P.M.  
April 20, 2009  
Historic Courtroom, Courthouse Complex  
Camden, North Carolina**

**MINUTES**

The regular meeting of the Camden County Board of Commissioners was held on Monday, April 20, 2009 at 7:00 p.m., with a closed session held at 6:00 p.m., in the Historic Courtroom, Camden, North Carolina. The following members were present:

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

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

Chairman Philip Faison called the meeting to order at 6:00 p.m.

Commissioner Michael McLain made a motion to go into closed session pursuant to G.S. 143-318.11(a)(3) for the purpose of consultation with the County Attorney, and pursuant to G.S. 143-318.11(a)(4) for the purpose of discussing industrial recruitment. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Garry Meiggs, Michael McLain and Chairman Philip Faison voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

The Commissioners entered closed session at 6:01 p.m.

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

Recess

The Commissioners re-entered regular session at 6:48 p.m. for a brief recess until the regular meeting started at 7:00 p.m.

At 7:00 p.m. Commissioner Michael McLain gave the invocation and led those present in the Pledge of Allegiance.

**PRESENTATION - Akilah Ensley – U.S. Census Bureau**

Ms. Ensley did not appear.

**PRESENTATION - Phil Donahue, Vice President, Albemarle Hospital Foundation and Community Outreach**

Phil Donahue reported the following:

- Albemarle Hospital Foundation is a nonprofit support arm of Albemarle Hospital and provides free pharmacy and primary care services to the uninsured citizens of the six (6) counties that Albemarle Hospital serves
- First small clinic was opened in 2003 in Elizabeth City; currently operating three (3) large full service clinics in Elizabeth City and Tyner, open five (5) days a week from 9:00 a.m. to 4:00 p.m.
- Current operational cost exceeds \$500,000.00
- Only provider of free health care in North Carolina

- July 2009 the Community Health Care will provide mental health services
- Will have a psychiatrist in the clinic two (2) days a week in Elizabeth City and two (2) days in Tyner for prescription and mental health services
- Currently servicing 277 Camden residents
- One (1) out of every five (5) Camden County residents are uninsured
- Majority of referrals comes through Social Services

Mr. Donahue requested a donation of \$6,000.00 to help offset cost.

Chairman Philip Faison stated that the Board would take his request under consideration.

**PRESENTATION – Durwood Medlin – Camden County ABC Board Supervisor**

Chairman Philip Faison called upon Durwood Medlin to speak regarding the ABC Board.

Durwood Medlin provided the Board with House Bill 768 and Senate Bill 839 and stated that the State is proposing under *Section 1.(G.S. 18B-20*, which will take authority from the ABC Boards and put the ABC Commission in complete charge, and will nullify the County's authority and control. Mr. Medlin expressed opposition to *Section 15. G.S. 18B-809* and stated that opposition has been conveyed in writing to Senator Basnight and Representative Owens.

**Public Comments**

Teresa McDougald, 251 East Hwy 158, spoke regarding damage to the property and health issues due to the standing water on their property because the county required the owner of the storage buildings to elevate the property 27" higher than her property. Mrs. McDougald asked the Board for assistance and provided pictures of the property.

Michael Materra, 249 East Hwy 158, stated that he also has water on his property and that the solution is to change the grade of the driveway so that the water drains to the front of the buildings instead of the back.

Mark Durden, North 343, spoke in opposition of Ordinance No. 2009-04-01 and asked for a show of hands from those present who were also opposed.

O.C. Abbott, 180 US 158 West, asked if he would be able to shoot a firearm on his farm and was that included in Ordinance No. 2009-04-01.

Paul Taylor, 175 Garrington Island Road, spoke in opposition of Ordinance No. 2009-04-01.

Kenny Simmons, 538 Trotman Road, spoke in opposition of Ordinance No. 2009-04-01.

Bobby Harris, 291 Belcross Road, President of Albemarle Houndsmen Association, asked if the meaning and content of Ordinance No. 2009-04-01 would be explained during the public hearing.

Planning Director Dan Porter stated that the item on the public hearing agenda is a zoning text amendment and all public comments should be taken during the public hearing.

Robert Knobles, 134 Heritage Drive, spoke in opposition of Ordinance No. 2009-04-01 and questioned is there a reason for a change to the current ordinance, and whom does it affect, such as subdivisions or private land.

Rick Mottlenax, Ivy Neck Meadows, stated he is considered a subdivision and spoke in opposition of Ordinance No. 2009-04-01 and does not think that he needs to have a NRA sanctioned shooting range.

Chairman called for comments from anyone in favor of Ordinance No. 2009-04-01.

Burnette Forbes, spoke in opposition of Ordinance No. 2009-04-01.

**Consideration of Agenda**

Chairman Philip Faison added *Item 3. Consent Agenda, G. National County Government Week Proclamation* to the agenda.

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

**Consent Agenda**

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

• **Consent Agenda**

April 03, 2009 Planning Retreat Minutes subject to correction of typographical and technical errors.

April 20, 2009 Regular Meeting Minutes subject to correction of typographical and technical errors.

Tax Releases, Pick Ups & Refunds

<u>Name</u>	<u>Amount</u>	<u>Type</u>	<u>Reason</u>	<u>No.</u>
Dominic Gray	\$145.51	Release	Military Exempt	11042
Donrose Properties	\$282.18	Pick Up	Wrong County	11039
Forrest Bartlett	\$1,922.69	Pick Up	Roll Back Tax	11005
Willie Dozier	\$145.14	Pick Up	Roll Back Tax	11018

Tax Collection Report – March 2009 in the amount of \$281,951.04.

Refunds to be Issued by the Finance Office in the amount of \$684.64 and \$394.70.

Resolution No. 2009-04-05 – A Resolution of the Camden County Board of Commissioner Opposing Senate Bill 447

**Resolution No. 2009-04-05**

**A RESOLUTION OF THE CAMDEN COUNTY BOARD OF COMMISSIONERS OPPOSING SENATE BILL 447**

Short Title: No Monetary Exaction for Development.

**WHEREAS**, the North Carolina Constitution has established, and the North Carolina Supreme Court has reaffirmed, that “every child has a fundamental right to sound basic education,” reflected in the North Carolina state constitutional requirement “that every child in the state have equal access to sound basic education.” Moreover, it is North Carolina State Government’s responsibility to provide this opportunity to every child by operating a “general and uniform system of schools in which equal opportunities shall be provided for all students.” Leandro v. State of North Carolina, 346 N.C. 336, 347, 488 S.E.2d 249, 255 (1997), and

**WHEREAS**, Camden County is such a geographic subdivision of the State, and is mandated by law to operate school facilities, and

**WHEREAS**, although the public school system is primarily financed by the State, the average county allocates nearly a third of its funds for the operation of the public schools, and Camden’s current total annual school contribution for operations and debt service is \$3,108,315, and

**WHEREAS**, 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, and

**WHEREAS**, in Camden County’s Advanced Core CAMA Land Use Plan (LUP), it is set forth as a policy: “Camden County supports regulating growth to coincide with the provision of public facilities and services, and

**WHEREAS**, N.C.G.S. § 153A-121 states 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.” 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 an adequate provision of transportation, water, sewerage, *schools*, parks, and other public requirements.”, and

**WHEREAS**, N.C.G.S. § 153A-331, states 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.”, and

**WHEREAS**, Camden County has adopted an Adequate Public Facilities Ordinance to protect the health, safety, and welfare of all County residents, but particularly the County’s children by ensuring that adequate, Constitutional, school facilities are available to all children in Camden County, and that such facilities are available concurrent, or roughly concurrent, with the demand for school facilities created by new development, and

**WHEREAS**, specifically, in regards to the County’s ability to provide adequate public facilities, the County adopted, under its Code of Ordinances, Title XV: Land Usage, § 151.346, which provides the County Commissioners the discretion to deny a conditional or special use permit, and

**WHEREAS**, the Adequate Public Facilities Ordinance allows that if school facilities are not adequate to accommodate projected enrollment from residential development the project may be approved through an Advancement of Capacity, and

**WHEREAS**, residential developments continue to be built in Camden County in accordance with the Adequate Public Facilities Ordinance, Advancement of Capacity provisions; and

**WHEREAS**, other North Carolina local governments which have adopted adequate public facilities ordinances specifically in regards to schools are: Cabarrus County, Currituck County, Davidson County, Franklin County, Orange Counties, and the Towns of Davidson and Harrisburg.

**THEREFORE, BE IT RESOLVED**, that the Camden County Board of Commissioners opposes Senate Bill 447 that would prohibit Advancement of Capacity contributions toward the provision of adequate public facilities.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, that the Camden County Board of Commissioners request Federal, State and Local representative’s support in opposition of Senate Bill 447.

Adopted this 20th day of April, 2009.

ATTEST:

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Philip S. Faison, Chairman  
Camden County Board of Commissioners

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Ava J. Gurganus  
Clerk to the Board

SEAL

• **End of Consent Agenda**

**Old Business - Presentation of Member’s Handbook for Boards of Equalization and Review**

Lisa Anderson, Tax Specialist reported on the following:

- Board of Equalization and Review convenes on May 4, 2009 and adjourns on June 1, 2009
- Will be sworn in on May 4, 2009 by the Clerk to the Board prior to convening
- Have held informal hearings in the Tax office and all clerical errors have been corrected
- The Board of Equalization is ruled by state guidelines and values can not be changed according to the market.

- Any appraisal has to be dated during when the reevaluation was performed in 2005-2006
- Visiting or reviewing property, requesting further information and decisions on appeals are made at the June 1, 2009 meeting

Tax Specialist Lisa Anderson requested starting the E & R hearing at 5:00 p.m. on May 18, 2009 due to the number of tax appeals.

#### **Old Business - Board Appointment – American Red Cross Board of Directors**

Commissioner Michael McLain made a motion to nominate Garry Meiggs to serve on the American Red Cross Board of Directors. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Garry Meiggs, Michael McLain and Chairman Philip Faison voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

#### **Old Business - Donation to David Lawrence Professorship**

Commissioner McLain made a motion to contribute \$500.00 to the professorship at the School of Government in honor of retiree David Lawrence. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Garry Meiggs, Michael McLain and Chairman Philip Faison voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

#### **Public Hearings**

Commissioner Sandy Duckwall made a motion to open public hearings for the purpose of receiving comments from the public regarding Ordinance No. 2009-04-01 and Ordinance No. 2009-04-02. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Garry Meiggs, Michael McLain and Chairman Philip Faison voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

#### **Ordinance No. 2009-04-01 – Amendments to Article 151.347 (Specific Standards – Shooting Range Facilities) of Camden County Code of Ordinances**

Planning Director Dan Porter stated the Ordinance presented to the Board is a recommended amendment to the section of the Unified Development Ordinance (UDO) regarding firing ranges. This ordinance has been in effect for ten (10) years to allow firing ranges under certain conditions and developed into certain standards. Mr. Porter referred to *Chapter 151, Section 151.347*, that all firing ranges do require a special use permit. The primary change is to the UDO Section 151.347(S) to include an alternative standard related to required safety areas. The current ordinance references the National Rifle Association to the standards. The change would allow use of either the *Military Handbook – Range Facilities and Miscellaneous Training Facilities Other Than Buildings (MIL-HDBK-1027/3B)* or the NRA standard. The secondary changes within the ordinance would allow flexibility with regard to certain standards and conditions related to the additional types of weapons that may be used, the limited use of concussion explosives, allow military and law enforcement training activities, and require each firing range to be posted indicating the allowable caliber of weapon and other applicable rules. These items are being made as a condition of the Special Use Permit (SUP). This ordinance is trying to address firing ranges in general for the county and the conditions and standards under which the ranges should be allowed. If someone wants to build a firing range, then a SUP would be applied for and the Board would have the opportunity to judge the impact to the community and surrounding area and set appropriate conditions. To date the current ordinance has not affected recreational target practice, hunting activities and is simply addressing firing ranges. Mr. Porter read a proposed draft of a definition of a shooting range: “*Shooting Range Facility. An indoor or outdoor facility designed and constructed for the purpose of shooting lethal projectiles such as bullets and arrows at or into stationary or moving targets, by multiple non resident property owners, on a daily or ongoing basis.*” Mr. Porter suggested that the verbage, “*This does not include recreational target practice.*”

Attorney John Morrison reviewed the definition for the shooting range facility as drafted by Planning Director Dan Porter. Mr. Morrison suggested that the language be reworded and no decision should be made at this time.

Worth Williams, Shiloh and Carlton, Georgia, questioned if the ordinance is for a company, entity or individual citizens and property owners.

Attorney John Morrison requested that Burnette Forbes explain the fund raiser turkey shoot for the Shrine Club.

Attorney John Morrison advised that a clause for exclusion for charity and recreational shooting could be added to the ordinance.

Dan Porter stated that the ordinance should not be limited to shooting ranges charging fees or licensing and should not be limited to commercial usage.

Attorney John Morrison stated that the Planning Department would not like to control what a private individual did on his property, to which Mr. Porter replied, that was correct.

Burnette Forbes asked if the property owners were ok as long as they are a temporary range.

Attorney John Morrison stated that the ordinance does contain the language “*on a daily or ongoing basis*”, which means a permanent operation.

Commissioner Michael McLain asked where Mr. Porter found the definition, to which Mr. Porter replied that it is not contained in the Camden County UDO and that after soliciting information from the internet planning listserv, he wrote a definition.

Kenny Simmons stated that the one thing that is of concern to the citizens is what is considered daily or ongoing and some citizens have facilities in their yards that have been built for safety reasons that they possibly will use them daily.

Attorney John Morrison replied that the ordinance would not apply to the property owner unless he meets the other terms of the definition, which is a facility designed for this single purpose.

Dan Porter stated that the Board may want to add to the description that it *does not include recreational target practice nor is it designed to impede hunters or conflict with the Second Amendment of the US Constitution.*”

Chairman Philip Faison asked what the reason for the change was in the current ordinance, to which Mr. Porter replied that in the last couple of weeks there was a request on the table with regard to a firing range. The request is related to the SUP for that firing range and looking at that SUP, the ordinance was reviewed and the planning department felt there needed to be changes more specific and allow the flexibility for the Board when approving firing ranges to make modifications to the conditions of developing a firing range. The changes were brought before the planning board. The Sheriffs Department received complaints regarding people firing weapons and the Sheriff asked the Planning Department to investigate whether or not it was a shooting range. After investigation it was found that it was not a shooting range and the investigation prompted a lot of conversation about shooting firearms with misunderstandings because this ordinance has been in place for ten (10) years with no problem of citizens shooting as target practice.

Shel Mansfield, 117 Neck Road, asked would the ordinance affect him if he decided to cut out a portion of his farm property to erect a shooting range.

Attorney John Morrison suggested to the Board that a couple of citizens attending tonight work with the Planning Department to discuss the language of the ordinance and then bring their recommendations back to the Board.

Chairman Philip Faison asked those who would volunteer to work with the Planning staff to give their contact information to the Clerk to the Board.

Mark Durden asked if anyone would need written permission from the property owner to shoot at their range.

Attorney John Morrison stated that language is not addressed in the ordinance and will be discussed by the committee.

**Ordinance No. 2009-04-02 – Amendments to Article 151.232 (Design Standards and Criteria for Major Subdivisions) of the Camden County Code of Ordinances**

Permit Technician Dave Parks stated at the March 18, 2009 Planning Board meeting staff discussed two issues; 1) to include language into the UDO requiring developer to petition NCDOT for road acceptance via the county once the development meets the minimum standard requirement and to set a timeframe for acceptance; 2) Was to modify language on the buffering requirements to non-residential uses. After discussion, Planning Board recommended approval on a 6-0 vote.

Donald Forbes, stated every time we turn around there is new rules, legislation and complications being implemented pertaining to different issues and sometimes the financial requirement without any money being allocated and the legislative requirement do not make it easier to function because of the economy. The economy is putting a strain and stress on many projects and many things that the county wants to do today and that consideration has to be given before anything is done because of the economy. Mr. Forbes stated that funds and grants should be made available to people who have a desire to do things in the county. Mr. Forbes spoke against regulations and legislation in the county without jobs in the county and that the county needs jobs and industry, not regulations.

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

**New Business - Resolution No. 2009-04-04 – A Resolution of the Camden County Board of Commissioners to Petition NCDOT to Convert A Portion of Wisteria Drive – Whitehall Shores Subdivision – from a Public Road to Private**

On April 13, 2009 Planning staff received a petition from property owners of lots 1, 2, and 3 Wisteria Drive and lot 1 Pinewood Drive to request that the portion of Wisteria Drive in which they reside/about be closed as a public road and made private for maintenance/paving purposes.

NCGS §153A-241 sets the following guidelines for the closing of public roads.

1. Board of Commissioners adopts a resolution declaring its intent to close the public road.
2. Set a public hearing which shall be published and run once a week for three (3) successive weeks in the Daily Advance.
3. Forward a copy (via certified mail) of the resolution and notice of public hearing to property owners adjoining the public road that did not join in the request to have the road closed.
4. Post property in at least two (2) locations along Wisteria Drive.

Stephanie Schaad, 106 Wisteria Drive, Robert Duncan, 100 Wisteria Drive and Dorothy Dawnhauer, 214 Pinewood Drive appeared before the Board to request that Wisteria Drive be closed as a public road and make it a private so that the property owners may pave and maintain Wisteria Drive.

Commissioner Garry Meiggs made a motion to set public hearing on June 1, 2009 at 7:00 p.m. or as soon thereafter as the agenda allows for closing public road, Wisteria Drive, to

make it a private road. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Garry Meiggs, Michael McLain and Chairman Philip Faison voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

**New Business - Revision to Camden County Personnel Policy – Article IX. Unsatisfactory Job Performance and Detrimental Personal Conduct**

Commissioner Michael McLain made a motion to approve *Article IX*. with the deletion of *Section 2. Unsatisfactory Job Performance Defined, 3. Physical or mental incapacity to perform duties*. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Garry Meiggs, Michael McLain and Chairman Philip Faison voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

**SOUTH CAMDEN WATER & SEWER DISTRICT BOARD OF DIRECTORS**

Chairman Philip Faison recessed the Board of Commissioners regular meeting at 8:52 p.m. and called the South Camden Water and Sewer District Board of Directors to order.

Member Sandy Duckwall made a motion to adjourn the South Camden Water and Sewer District Board of Directors meeting. The motion passed with Members Melvin Jeralds, Sandy Duckwall, Garry Meiggs, Michael McLain and Chairman Philip Faison voting aye; no Member voting no; no Member absent; and no Member not voting.

The Commissioners re-entered the regular meeting of the Camden County Board of Commissioners at 9:16 p.m.

**Commissioner's Report**

Commissioner Michael McLain reminded the Board of the upcoming Mediacom Community Forum in the Old Trap Community Building on Tuesday, April 28 at 7:00 p.m. and at the South Mills Ruritan Building on Tuesday, May 5 at 7:00 p.m.

**County Manager's Report**

County Manager Randell Woodruff reported on the following:

- County Assembly Day in Raleigh on April 29, 2009, hosted by the North Carolina County Commissioners Association
- Paddle for the Border will be held on May 2 at 7:30 a.m. starting at Dismal Swamp State Park
- Received another bid for demolition for brick house and had Building Inspector review the property and he recommended demolition in order to save money on upgrading the house
- Update on Albemarle Jail project and received proposed draft budget for jail. Jail will be completed by early July and will be occupied in October.

**Adjournment**

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

The meeting adjourned at 9:26 p.m.

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Philip Faison, Chairman  
Camden County Board of Commissioners

ATTEST:

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Ava J. Gurganus, Clerk to the Board