

**Camden County Board of Commissioners**

**Regular Meeting  
May 16, 2005  
7:00 P.M.  
Camden County Courthouse  
Camden, North Carolina**

**MINUTES**

The regular meeting of the Camden County Board of Commissioners was held Monday, May 16, 2005 at 7:00 p.m. in the Camden County Courthouse, Courthouse Complex, Camden, NC.

The following members were present:

Chairman Melvin J. Jeralds  
Vice Chairman Clayton D. Riggs  
Commissioners Jeffrey B. Jennings, Carolyn Riggs, and Mike Andrews  
County Manager Randell Woodruff  
Clerk to the Board Ava Murgia

Also attending was Attorney Herbert Mullen.

Commissioner Jeffrey B. Jennings arrived at 9:32 p.m.

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

**Public Comments**

Chairman Jeralds called for any public comments.

Hearing no comments from the public, Chairman Jeralds called upon Extension Director Travis Burke.

Mr. Burke introduced Intern Mark Powell to the Board and the public.

Mr. Powell stated he recently received his degree from NC State and will be doing a ten (10) week internship in Camden County. Mr. Powell will be out in the field meeting with the farmers.

Mr. Burke stated Mr. Powell will be learning about extension services and Mr. Powell's services are "free".

Chairman Jeralds welcomed Mr. Powell and asked Mr. Burke to comment on the recent 4-H livestock show.

Mr. Burke stated the 4-H Livestock Show had an excellent turn out this year, and thanked everyone that supported and participated in the livestock show. Mr. Burke stated this year was the biggest sale in sixty years with approximately \$200,000.00 in sales.

Chairman Jeralds thanked Mr. Burke for his guidance and Danelle Barco's help and stated that all the kids could not win but all the kids were winners. Chairman Jeralds stated he was proud to say that Camden County had the Grand Champion Steer and Third Place winner.

**Consideration of Minutes – May 2, 2005 Regular Meeting**

Commissioner Clayton Riggs made a motion to approve the minutes of the May 2, 2005 regular meeting subject to correction of typographical and technical errors. The motion passed with Commissioners Carolyn Riggs, Clayton Riggs, Andrews and Chairman

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

**Consideration of Agenda**

County Manager Randell Woodruff requested that *Item IX. Old Business, B. Mason Spruill-Presentation of the FY2003-2004 Audit; Item X. New Business, O. EPA Smart Growth Implementation Program; and Item X. New Business, P. Set Public Hearing for Budget Hearing.*

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

**Presentation by J. Richard Lee, ARCADIS**

County Manager Randell Woodruff stated that Mr. Lee is before the Board to give a presentation on conducting a facility study regarding office space and county staff.

Mr. Lee reviewed the proposal for assessment and planning services to assist the county with evaluating those needs and to provide recommendations.

Following Mr. Lee's presentation, Chairman Jeralds thanked Mr. Lee, stated the Board is in the budget process, and would take the information under consideration.

**Public Hearing – Ordinance No. 2005-04-02 Proposed Amendment to Article 93 (Animals) of the Camden County Code**

Commissioner Carolyn Riggs made a motion to go into public hearing to receive comments from the public regarding Ordinance No. 2005-04-02. The motion passed with Commissioners Carolyn Riggs, Clayton Riggs, Andrews and Chairman Jeralds voting aye; no Commissioner voting no; Commissioner Jennings absent; and no Commissioner not voting.

Planning Director Dan Porter read Ordinance No. 2005-04-02 to the public.

At the February 21, 2005 Commissioner's meeting, a concerned citizen spoke regarding establishing an ordinance requiring owners to provide water, food and shelter for animals.

At the March 21, 2005 Commissioner's meeting, Planning Director Dan Porter had reviewed surrounding county's animal ordinances, and was directed to draft amendments to the existing Animal Control Ordinance for the Board's review.

On April 18, 2005 Commissioner's meeting, Planning Director Dan Porter drafted an *Amendment to Article 93 of the Camden County Code of Ordinances* relating to mistreatment of animals for the Boards review.

This matter was set for public hearing and advertised in the Daily Advance on May 6, 2005 and May 13, 2005.

On May 6, 2005 the Animal Control Officer reviewed the proposed ordinance and made suggested changes.

Chairman Jeralds called for comments from the public.

Bobby Harris, 291 Belcross Road, stated he is President of Albemarle Houndsmen Association and spoke in opposition of Ordinance No. 2005-04-02.

Mathew Couch, 136 Culpepper Road, spoke in opposition of Ordinance No. 2005-04-02.

Bobby Berry, 230 South 343, spoke in opposition of Ordinance No. 2005-04-02.

Woodrow McPherson, 865 North 343, spoke in opposition of Ordinance No. 2005-04-02.

Clarence Jennings, 764 Trotman Road, spoke in opposition of Ordinance No. 2005-04-02.

Sharon Feldon, 135 Marlas Way, spoke in favor of Ordinance No. 2005-04-02.

Lee Parish, 148 North 34, spoke in opposition of Ordinance No. 2005-04-02.

Hearing no further comments from the public, Commissioner Clayton Riggs made a motion to close public hearing regarding Ordinance No. 2005-04-02. The motion passed with Commissioners Carolyn Riggs, Clayton Riggs, Andrews and Chairman Jeralds voting aye; no Commissioner voting no; Commissioner Jennings absent; and no Commissioner not voting.

**Public Hearing – Special Use Permit UDO 2005-03-18 Elizabeth City Jaycees**

Planning Director Dan Porter stated the Planning Board met on April 20, 2005 and voted 7-0 to recommend approval for this Special Use Permit Application from the Elizabeth City Jaycees to conduct a Special Event (Power Boat Race) from September 23-25, 2005 utilizing areas in Camden for spectator viewing and parking.

This matter was set for public hearing at the May 2, 2005 Board meeting, and advertised in the Daily Advance on May 6 and 13, 2005.

Commissioner Clayton Riggs made a motion to go into public hearing to receive comments from the public regarding Special Use Permit UDO 2005-03-18. The motion passed with Commissioners Carolyn Riggs, Clayton Riggs, Andrews and Chairman Jeralds voting aye; no Commissioner voting no; Commissioner Jennings absent; and no Commissioner not voting.

Mr. Russ Haddad detailed the scheduled powerboat race event.

Chairman Jeralds called for comments from the public.

Buddy Tucker, 617 Trotman Road, spoke in favor of Special Use Permit UDO 2005-03-18.

Hearing no further comments from the public, Commissioner Andrews made a motion to close public hearing regarding Special Use Permit UDO 2005-03-18. The motion passed with Commissioners Carolyn Riggs, Clayton Riggs, Andrews and Chairman Jeralds voting aye; no Commissioner voting no; Commissioner Jennings absent; and no Commissioner not voting.

**Public Hearing – Ordinance No. 2005-05-01 - Rezoning Application UDO 2005-03-33 MarkVal LLC**

Dan Porter stated the Planning Board met on April 20, 2005 and voted 7-0 to recommend approval for this application to rezone from Light Industrial (I-1) to Highway Commercial, to include adjacent properties identified by PIN #02-8935-02-98-4841, 02-8935-00-99-8197, and 02-8946-00-20-1696. Decision was based on that the entire range of permitted uses in the requested zoning was more appropriate than the range of uses in the existing zoning.

This matter was set for public hearing at the May 2, 2005 Board meeting, and advertised in the Daily Advance on May 6 and 13, 2005.

Commissioner Clayton Riggs made a motion to open public hearing to receive comments from the public regarding Ordinance No. 2005-05-01. The motion passed with Commissioners Carolyn Riggs, Clayton Riggs, Andrews and Chairman Jeralds voting

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

Chairman Jeralds called for comments from the public.

Gerald Pelton, 617 Methodist Church Road, Elizabeth City, representing Church of Christ, spoke in favor of Ordinance No. 2005-05-01.

Hearing no further comments from the public, Commissioner Andrews made a motion to close public hearing regarding Ordinance No. 2005-05-01. The motion passed with Commissioners Carolyn Riggs, Clayton Riggs, Andrews and Chairman Jeralds voting aye: no Commissioner voting no; Commissioner Jennings absent; and no Commissioner not voting.

**Public Hearing – Resolution No. 2005-05-01 Resolution of the Camden County Board of Commissioners Authorizing the Filing of an Application for Approval of a Financing Agreement Authorized by North Carolina General Statute 160A-20**

Resolution No. 2005-05-01 is a necessary requirement from the Local Government Commission (LGC) for “findings of facts”.

The Resolution authorizes the County Manager to file an application with the LGC for an installment purchase loan. Loan proceeds will be utilized for the construction loan for the Camden County Intermediate School.

In accordance with requirements of the LGC (the State agency that must approve all local government debt prior to its issuance), the Commissioners are required to accept public comments on Resolution No. 2005-05-01.

This matter was set for public hearing at the May 2, 2005 Board meeting, and was advertised in the Daily Advance on May 5, 2005.

Commissioner Carolyn Riggs made a motion to go into public hearing to receive comments from the public regarding Resolution No. 2005-05-01. The motion passed with Commissioners Carolyn Riggs, Clayton Riggs, Andrews and Chairman Jeralds voting aye: no Commissioner voting no; Commissioner Jennings absent; and no Commissioner not voting.

Chairman Jeralds called for comments from the public.

Hearing no comments from the public, Commissioner Andrews made a motion to close public hearing regarding Resolution No. 2005-05-01. The motion passed with Commissioners Carolyn Riggs, Clayton Riggs, Andrews and Chairman Jeralds voting aye: no Commissioner voting no; Commissioner Jennings absent; and no Commissioner not voting.

**Public Hearing – Resolution No. 2005-05-02 Resolution of the Camden County Board of Commissioners Authorizing the Filing of an Application for Approval of a Financing Agreement Authorized by North Carolina General Statute 160A-20**

Resolution No. 2005-05-02 is identical to Resolution No. 2005-05-01 and is a necessary requirement from the Local Government Commission (LGC) for “findings of facts”. This resolution is related to the QZAB contract for the renovation of Grandy Primary School.

The resolution authorizes the County Manager to file an application with the LGC for the QZAB contract. Proceeds will be utilized for the renovation loan for the Grandy Primary School.

In accordance with requirements of the LGC (the State agency that must approve all local government debt prior to its issuance), the Commissioners are required to accept public comments on Resolution No. 2005-05-02.

This matter was set for public hearing at the May 2, 2005 Board meeting, and was advertised in the Daily Advance on May 5, 2005.

Commissioner Carolyn Riggs made a motion to go into public hearing to receive comments from the public regarding Resolution No. 2005-05-02. The motion passed with Commissioners Carolyn Riggs, Clayton Riggs, Andrews and Chairman Jeralds voting aye; no Commissioner voting no; Commissioner Jennings absent; and no Commissioner not voting.

Chairman Jeralds called for any comments from the public.

Commissioner Clayton Riggs stated that Resolutions No. 2005-05-01 and 2005-05-02 is going to dictate how much money the county can borrow to build the school. The cost to build the school is \$11.9m.

Buddy Tucker, 617 Trotman Road, questioned how will borrowing the additional money effect paying back the QZAB loan.

Clarence Jennings, Chairman of the Board of Education, gave clarification regarding QZAB fund payments.

Mathew Couch, 136 Culpepper Road, questioned if property revaluation could be done sooner.

Carl Brinkley, Sandy Hook Road, spoke in concern of low income families paying higher taxes, urged the Board to hire a professional grant writer, cut the county budget, and spoke in favor of impact fees.

Beatrice Ferebee, 108 Bunker Hill Road, stated it would be hard for the elderly and fixed income citizens to pay the proposed tax increase.

Debbie Hudson, 143 Old Family Place, questioned how many students attending Camden schools were not residents of Camden County.

Clarence Jennings, Chairman, Camden County Board of Education, replied there are twenty (20) students of teachers and five (5) that are assigned by the court.

Hearing no further comments from the public, Commissioner Andrews made a motion to close public hearing regarding Resolution No. 2005-05-02. The motion passed with Commissioners Carolyn Riggs, Clayton Riggs, Andrews and Chairman Jeralds voting aye; no Commissioner voting no; Commissioner Jennings absent; and no Commissioner not voting.

**Public Hearing – Installment Financing Contract for Camden Intermediate School**

Approval of the financing is a necessary requirement from the Local Government Commission (LGC).

Proceeds will be utilized for the construction loan for the Camden County Intermediate School.

In accordance with requirements of the LGC (the State agency that must approve all local government debt prior to its issuance), the Commissioners are required to accept public comments on the financing contracts.

A letter of intent was received from USDA Rural Development for the financing of the proposed Camden Intermediate School addition. The financing must be obligated by June 30, 2005 in order to obtain the finance rate of 4.25% for forty (40) years.

This matter was set for public hearing at the May 2, 2005 Board meeting, and advertised in the Daily Advance on May 5, 2005.

Commissioner Clayton Riggs made a motion to open public hearing to receive comments from the public regarding the USDA installment contract for Camden Intermediate School. The motion passed with Commissioners Carolyn Riggs, Clayton Riggs, Andrews and Chairman Jeralds voting aye; no Commissioner voting no; Commissioner Jennings absent; and no Commissioner not voting.

Chairman Jeralds called for comments from the public.

Hearing no comments from the public, Commissioner Andrews made a motion to close public hearing regarding the USDA installment contract for the Camden Intermediate School. The motion passed with Commissioners Carolyn Riggs, Clayton Riggs, Andrews and Chairman Jeralds voting aye; no Commissioner voting no; Commissioner Jennings absent; and no Commissioner not voting.

**Public Hearing – QZAB Financing Contract for Grandy Primary School**

Approval of the financing is a necessary requirement from the Local Government Commission (LGC).

Proceeds will be utilized for the renovation of the Grandy Primary School.

In accordance with requirements of the LGC (the State agency that must approve all local government debt prior to its issuance), the Commissioners are required to accept public comments on the financing contracts.

A proposal was received from Bank of America in the amount \$2m for fifteen (15) years at a tentative investment rate of 2.50%.

This matter was set for public hearing at the May 2, 2005 Board meeting, and advertised in the Daily Advance on May 5, 2005.

Commissioner Clayton Riggs made a motion to go into public hearing to receive comments from the public regarding a QZAB financing contract for renovation of Grandy Primary School. The motion passed with Commissioners Carolyn Riggs, Clayton Riggs, Andrews and Chairman Jeralds voting aye; no Commissioner voting no; Commissioner Jennings absent; and no Commissioner not voting.

Chairman Jeralds called for any comments from the public.

Hearing no comments, Commissioner Andrews made a motion to close public hearing regarding a QZAB financing contract for renovation of Grandy Primary School. The motion passed with Commissioners Carolyn Riggs, Clayton Riggs, Andrews and Chairman Jeralds voting aye; no Commissioner voting no; Commissioner Jennings absent; and no Commissioner not voting.

**Mason Spruill – Presentation of FY2003-2004 Audit Report**

Mason Spruill, CPA, stated that based on his audit and the report of other auditors, the financial statements referred to present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the discretely presented unit, each major fund, and the aggregate remaining fund information of Camden County, North Carolina as of June 30, 2004, and respective changes in financial position and cash flows, where appropriate, thereof and the respective budgetary comparison for the general fund for the year then ended in conformity with accounting principals generally accepted in the Unites States of America.

Mr. Spruill further reviewed the audit report.

Chairman Jeralds thanked Mr. Spruill for his presentation of the FY2003-2004 Audit Report.

**Planning Dept. - Drainage Issues Update**

Planning Director Dan Porter recounted the drainage study contracted with Hobbs UpChurch and stated James Bowen of Hobbs UpChurch will be present at the June 6, 2005 Commissioners meeting to give an update of the study.

Mr. Porter stated he received a petition from residents of the Goose Creek, Shiloh, area requesting immediate help with the drainage problems.

Chairman Jeralds questioned if there were any monies left in the fund because the Goose Creek area is in dire need of help.

Mr. Porter stated there is money left in the Isabel Clean up Fund.

Christine Dobe, Texas Road, asked that help be expedited as soon as possible.

Abner Staples, 1358 South 343, stated he called Rodney Johnson to question why the snagging was not done and Mr. Johnson stated that this was something the Commissioners and the engineers was supposed to do to have a model project.

**Code Enforcement - Monthly Report**

Kim Harris, Code Enforcement Officer, was present to answer questions.

Commissioner Carolyn Riggs questioned 253 Sailboat Road.

Planning Director Dan Porter stated staff issued a code enforcement action based upon a complaint and the property owner has until the upcoming Friday to comply with the complaint. It was suggested to the property owner that if they wanted to use the property in the manner of which there were presently, they needed to get the property rezoned. The property owner has made application for rezoning and has been advised that it would be in their best interest to comply with the code.

Commissioner Clayton Riggs questioned Standley Lane.

Ms. Harris stated she has an issue regarding obtaining a burn date because most of the volunteer firefighters are working on their farms.

**Consideration of Ordinance No. 2005-04-02 Proposed Amendment to Article 93 (Animals) of the Camden County Code**

Chairman Jeralds stated the comments made during the public hearing would be taken into consideration and this matter would be placed on the June 6, 2005 agenda.

**Consideration of Special Use Permit UDO 2005-03-18 Elizabeth City Jaycees**

Commissioner Andrews made a motion to approve Special Use Permit UDO 2005-03-18. The motion passed with Commissioners Carolyn Riggs, Clayton Riggs, Andrews and Chairman Jeralds voting aye; no Commissioner voting no; Commissioner Jennings absent; and no Commissioner not voting.

**Consideration of Ordinance No. 2005-05-01 - Rezoning Application UDO 2005-03-33 MarkVal LLC**

Commissioner Carolyn Riggs made a motion to approve Ordinance No. 2005-05-01. The motion passed with Commissioners Carolyn Riggs, Clayton Riggs, Andrews and Chairman Jeralds voting aye; no Commissioner voting no; Commissioner Jennings absent; and no Commissioner not voting.

**Resolution No. 2005-05-04 Requesting NCDOT To Construct Road To Serve Future Site of Albemarle District Jail**

Commissioner Clayton Riggs made a motion to approve Resolution No. 2005-05-04. The motion passed with Commissioners Carolyn Riggs, Clayton Riggs, Andrews and Chairman Jeralds voting aye; no Commissioner voting no; Commissioner Jennings absent; and no Commissioner not voting.

Approved Resolution No. 2005-05-04 reads as follows:

**Resolution No. 2005-05-04**

**A RESOLUTION OF THE CAMDEN COUNTY BOARD OF COMMISSIONERS  
REQUESTING N.C. DEPARTMENT OF TRANSPORTATION TO  
CONSTRUCT ROAD TO SERVE  
FUTURE SITE OF ALBEMARLE DISTRICT JAIL**

**WHEREAS**, the Albemarle District Jail Commission is comprised of the counties of Perquimans, Camden, and Pasquotank; and

**WHEREAS**, the Albemarle District Jail has become extremely overcrowded and as a result has been cited as noncompliant with state standards; and

**WHEREAS**, the North Carolina Division of Facility Services has instructed that these overpopulation problems be corrected because they create a potentially dangerous situation; and

**WHEREAS**, there is no room for expansion at the current Albemarle District Jail site; and

**WHEREAS**, the Boards of Commissioners for the counties of Camden, Perquimans, and Pasquotank have voted to construct a new \$16 million jail facility on property in the Pasquotank County Commerce Park that will be donated by Pasquotank County; and

**WHEREAS**, the site in the Commerce Park where the new jail will be constructed is in a section of the park off of Commerce Drive that is not yet served by infrastructure; and

**WHEREAS**, a road approximately 2,000 feet in length at an estimated cost of \$175,000 will have to be constructed from Commerce Drive to serve the proposed Albemarle District Jail site.

**NOW, THEREFORE BE IT RESOLVED** that the Camden County Board of Commissioners respectfully requests the North Carolina Department of Transportation to construct the new road from Commerce Drive to the future site of the Albemarle District Jail in the Pasquotank County Commerce Park.

Adopted this 16th day of May, 2005.

  
Melvin J. Jeralds, Chairman  
Camden County Board of Commissioners

ATTEST:

  
Ava Murgia  
Clerk to the Board

**Resolution No. 2005-05-05 A Resolution Adopting the County's Advanced CAMA  
Core Land Use Plan**

The Board of Commissioners held a public hearing and approved the Land Use Plan on April 4, 2005.

The Coastal Resources Commission requires a formal approved resolution on file.

Commissioner Clayton Riggs made a motion to approve Resolution No. 2005-05-05. The motion passed with Commissioners Carolyn Riggs, Clayton Riggs, Andrews and Chairman Jeralds voting aye; no Commissioner voting no; Commissioner Jennings absent; and no Commissioner not voting.

Approved Resolution No. 2005-05-05 reads as follows:

Resolution No. 2005-05-05

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF CAMDEN COUNTY,  
NORTH CAROLINA, ADOPTING THE COUNTY'S ADVANCED CAMA  
CORE LAND USE PLAN**

**WHEREAS**, the County's CAMA Advanced Core Land Use Plan was financed in part through a grant provided by the North Carolina Coastal Management Program through funds provided by the Coastal Zone Management Act of 1972, as amended, which is administered by the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration; and

**WHEREAS**, from February 2003 through March 2005, the County drafted a Land Use Plan with the assistance of its consultant Holland Consulting Planners Inc., and conducted a series of public workshops and meetings as part of a comprehensive public participation program under the leadership of the CAMA Advanced Land Use Plan Committee; and

**WHEREAS**, on February 16, 2005, the Planning Board recommended adoption of the draft CAMA Advanced Core Land Use Plan; and

**WHEREAS**, at a duly advertised meeting on Monday, April 4, 2005 the Board of Commissioners held a public hearing on the draft CAMA Advanced Core Land Use Plan; and

**WHEREAS**, at the Regular Meeting on Monday, April 4, 2005 the County Board of Commissioners, North Carolina found the policies in the draft CAMA Advanced Core Land Use Plan to be internally consistent; and

**WHEREAS**, at the Regular Meeting on Monday, April 4, 2005 the County Board of Commissioners, North Carolina found the policies and Future Land Use Map in the draft CAMA Advanced Core Land Use Plan to be consistent with the County's desired vision for the future and unanimously approved to adopt the draft CAMA Advanced Core Land Use Plan as amended; and

**WHEREAS**, the adopted Plan will be submitted as required by state law to the Northeast District Planner for the Division of Coastal Management under the North Carolina Department of Environmental and Natural Resources and forwarded to the Coastal Resources Commission; and

**WHEREAS**, a presentation by the County to the Planning and Special Issues (P&SI) committee of the Coastal Resources Commission will be scheduled; and

**WHEREAS**, the P&SI committee will decide on a recommendation to the Coastal Resource Commission (CRC) at the meeting; and

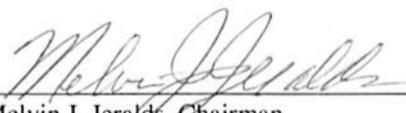
**WHEREAS**, the P&SI committee chairman will submit the recommendation to the CRC and the CRC will then vote on certification of the County's Land Use Plan; and

**WHEREAS**, a certified Camden county CAMA Advanced Core Land Use Plan will be forwarded to the Office of Ocean and Coastal Resource Management (OCRM) for federal approval.

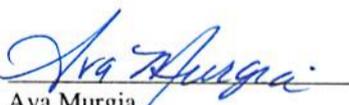
**NOW, THEREFORE, BE IT RESOLVED THAT** the Board of Commissioners of Camden, North Carolina, has unanimously adopted the draft CAMA Advanced Core Land Use Plan; and

**BE IT FURTHER RESOLVED** that the County Manger of Camden County is hereby authorized to submit the adopted CAMA Advanced Core Land Use Plan to the State for certification as described above.

Adopted this 16th day of May 2005.

  
Melvin J. Jerald, Chairman  
Camden County Board of Commissioners

ATTEST:

  
Ava Murgia  
Clerk to the Board

**Budget Amendments – 2004-05-BA038, 2004-05-BA039, 2004-05-BA040**

Commissioner Carolyn Riggs made a motion to approve the budget amendments as submitted by the Finance Officer. The motion passed with Commissioners Carolyn Riggs, Clayton Riggs, Andrews and Chairman Jerald voting aye; no Commissioner voting no; Commissioner Jennings absent; and no Commissioner not voting.

Approved Budget Amendments are as follows:

2004-05-BA038

BUDGET AMENDMENT

CAMDEN COUNTY ADMINISTRATIVE UNIT

General Fund

The Camden County Board of Commissioners passed the following resolution at the meeting on the 16<sup>th</sup> day of May, 2005.

Be it resolved that the following are amendments to the budget resolution for the fiscal year ending June 30, 2005.

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-6210-03	Part-Time Salaries	\$2,700.00	
10-6210-10	Training		\$1,497.00
10-6210-14	Travel		\$ 778.00
10-6210-06	Health Insurance		\$ 425.00

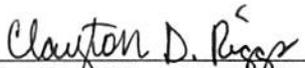
Explanation: Increase in Part-Time salary to cover time needed when director took sick leave and vacation.

Total Appropriation in Current Budget.....	\$ 58,747.00
Amount of Increase/Decrease of the above amendment.....	\$ -0-
Total appropriation in Current Amended Budget.....	\$ 58,747.00

We, the Board of County Commissioners of Camden County, hereby approve the changed in the County Budget as indicated above and have made entry of these changes in the minutes of said board this 16<sup>th</sup> day of May, 2005.

Passed by majority vote of the Board of County Commissioners of Camden County on the 16<sup>th</sup> day of May, 2005.

  
Chairman, Board of Commissioners

  
Vice-Chm. Bd of Commissioners

  
Clerk to Board of Commissioners

2004-05-BA039

BUDGET AMENDMENT

CAMDEN COUNTY ADMINISTRATIVE UNIT

General Fund

The Camden County Board of Commissioners passed the following resolution at the meeting on the 16<sup>th</sup> day of May, 2005.

Be it resolved that the following are amendments to the budget resolution for the fiscal year ending June 30, 2005.

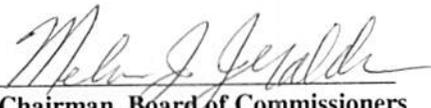
CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-3480-431	List Maintenance Grant	\$540.00	
10-4300-51	List Maintenance Grant	\$540.00	

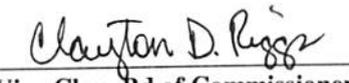
Explanation: Grant for updating voter list.

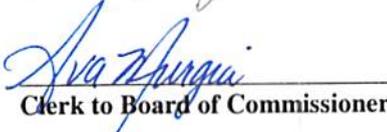
Total Appropriation in Current Budget.....	\$7,864,451.00
Amount of Increase of the above amendment.....	\$ 540.00
Total appropriation in Current Amended Budget.....	\$7,864,991.00

We, the Board of County Commissioners of Camden County, hereby approve the changed in the County Budget as indicated above and have made entry of these changes in the minutes of said board this 16<sup>th</sup> day of May, 2005.

Passed by majority vote of the Board of County Commissioners of Camden County on the 16<sup>th</sup> day of May, 2005.

  
Chairman, Board of Commissioners

  
Vice-Chm. Bd of Commissioners

  
Clerk to Board of Commissioners

2004-05-BA040

**BUDGET AMENDMENT**

**CAMDEN COUNTY ADMINISTRATIVE UNIT**

**Land Transfer Fund**

The Camden County Board of Commissioners passed the following resolution at the meeting on the 16<sup>th</sup> day of May, 2005.

Be it resolved that the following are amendments to the budget resolution for the fiscal year ending June 30, 2005.

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
71-3380	Land Transfer Tax Collections	\$150,000.00	
71-6600-742	Purchase of Yeskolski Property	\$127,522.00	
71-6600-999	Reserve	\$ 22,478.00	

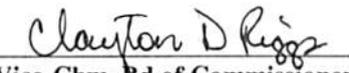
Explanation: To record additional revenue and record Yeskolski land purchase.

Total Appropriation in Current Budget.....	\$346,300.00
Amount of Increase of the above amendment.....	\$150,000.00
Total appropriation in Current Amended Budget.....	\$496,300.00

We, the Board of County Commissioners of Camden County, hereby approve the changed in the County Budget as indicated above and have made entry of these changes in the minutes of said board this 16<sup>th</sup> day of May, 2005.

Passed by majority vote of the Board of County Commissioners of Camden County on the 16<sup>th</sup> day of May, 2005.

  
Chairman, Board of Commissioners

  
Vice-Chm. Bd of Commissioners

  
Clerk to Board of Commissioners

**Debt Setoff – Memorandum of Understanding (MOU) and Agreement NC Local Government Debt Setoff Clearinghouse Program**

Resolution No. 2001-11-06 was approved by the Board on November 19, 2001. Along with the Resolution, a MOU is required, but was not established at that time.

North Carolina Legislature authorized local governments to participate in a debt setoff program. These programs, which are commonly used in other states, allow local governments to work with the State in collecting debts owed to the local government before a person receives a tax or other refund from the Department of Revenue.

NCACC and the NC League of Municipalities have teamed up to provide a clearinghouse for participation in the NC Debt Setoff Program.

Chairman Jeralds explained debt set off is another tool to help the county collect delinquent taxes through a state clearinghouse.

Commissioner Clayton Riggs made a motion to proceed with the debt offset program and approve the MOU. The motion passed with Commissioners Carolyn Riggs, Clayton Riggs, Andrews and Chairman Jeralds voting aye; no Commissioner voting no; Commissioner Jennings absent; and no Commissioner not voting.

Memorandum of Understanding and Agreement  
NC Local Government Debt Setoff Clearinghouse Program

This agreement is entered into this 16<sup>th</sup> day of May, 2005 by and between the County of Camden ("CLAIMANT AGENCY") and the North Carolina League of Municipalities and the North Carolina Association of County Commissioners acting as the North Carolina Local Government Debt Setoff Clearinghouse ("CLEARINGHOUSE")

RECITALS

WHEREAS, the Setoff Debt Collection Act, ("ACT"), Article 1 of Chapter 105A of the North Carolina General Statutes, authorized the North Carolina Department of Revenue ("DEPARTMENT"), and claimant agencies to cooperate in identifying debtors who owe money to the State or to a qualifying local agency and who qualify for State income tax refunds; and established procedures for setting off against any refund the sum of any debt owed to the State or local government; and

WHEREAS, pursuant to NCGS 105A-3, CLEARINGHOUSE has registered with DEPARTMENT to submit delinquent debts on behalf of a local agency and has thereby become authorized to submit delinquent debts on behalf of a local agency under the ACT; and

WHEREAS, CLAIMANT AGENCY is a local agency authorized to submit a debt owed to it pursuant to the ACT; and

WHEREAS, CLAIMANT AGENCY desires to enter into this agreement with CLEARINGHOUSE in order to participate under the Setoff Debt Collection Act to increase the collection rate of delinquent debts owed to CLAIMANT AGENCY; and

WHEREAS, CLEARINGHOUSE has agreed to submit delinquent debts on behalf of CLAIMANT AGENCY.

NOW THEREFORE, in consideration of the mutual covenants and agreements, terms and conditions contained herein, CLAIMANT AGENCY and CLEARINGHOUSE mutually agree as follows:

**L TERM/TERMINATION**

This memorandum of understanding and agreement shall remain and continue in full force and effect from year to year unless modified or terminated in writing by either party upon 90 days written notice to the other party. Upon termination of this agreement all sums due and owing from either party to the other shall remain a lawful obligation of the party and be due and payable. CLEARINGHOUSE will erase all claimant data files from its debt setoff system upon termination.

**II. REPRESENTATIONS AND OBLIGATIONS OF CLAIMANT AGENCY**

A. CLAIMANT AGENCY hereby designates, appoints, and authorizes CLEARINGHOUSE to process delinquent debts to be submitted to Department. For purposes of the Debt Setoff Clearinghouse Program, "DELINQUENT DEBT" is defined to mean:

- (i) a single account or monetary obligation which is at least \$50 owed by a debtor to a claimant agency; or,
- (ii) a group of accounts or single monetary obligations, each of which is less than \$50, that have been combined to total at least \$50, owed by the same debtor to a claimant agency; or, a combination of two or more accounts or monetary obligations, one of which is at least \$50 and the remainder of which when added together equal less than \$50, owed by the same debtor to a claimant agency.

Each account or monetary obligation may have accrued through contract, subrogation, tort, operation of law, or any other legal theory regardless of whether there is an outstanding judgment for the sum. To become a delinquent debt a period of 60 days must have elapsed between the time CLAIMANT AGENCY declares all of the applicable accounts or monetary obligations delinquent and the date the delinquent debt is submitted to CLEARINGHOUSE for collection.

- B. CLAIMANT AGENCY shall comply with the provisions of the ACT prior to the submission of a debt to CLEARINGHOUSE for setoff and shall provide CLEARINGHOUSE the date of compliance with its debt submission file.
- C. CLAIMANT AGENCY shall, upon execution of this agreement file a "participation form" with CLEARINGHOUSE designating a debt setoff coordinator and a debt setoff contact. Such participation form shall be updated on an annual basis and at any time there is a change in the information provided thereon. CLEARINGHOUSE shall administratively provide participation forms, as needed, for use by CLAIMANT AGENCY. The debt setoff coordinator shall be the designated local government employee authorized to receive notices and communication from CLEARINGHOUSE to insure that the requirements of this agreement and the requirements of the Act are met. The debt setoff coordinator shall supply CLEARINGHOUSE with any and all information that in the opinion of CLEARINGHOUSE is necessary for the proper implementation of this agreement. The debt setoff contact will receive all referrals from debtors.
- D. CLAIMANT AGENCY shall use a file specified by CLEARINGHOUSE to prepare "debt files" and adjustments to debt files that CLAIMANT AGENCY certifies to CLEARINGHOUSE are owed to CLAIMANT AGENCY and that CLAIMANT AGENCY desires to have CLEARINGHOUSE submit to DEPARTMENT for setoff as shown on a document to be administratively supplied by CLEARINGHOUSE entitled "File Layouts for Submission of Debts from CLAIMANT AGENCY to CLEARINGHOUSE." If, in the opinion of CLEARINGHOUSE, changes to the file format are necessary to carry out this program, CLEARINGHOUSE shall timely notify the CLAIMANT AGENCY. The CLAIMANT AGENCY covenants and agrees that it shall immediately implement any changes required by CLEARINGHOUSE. Data file structure will mirror requirements of DEPARTMENT but may include other fields such as date of debt cancellation. CLEARINGHOUSE will organize capability of date and time stamping debt for priority setting.
- E. CLAIMANT AGENCY shall transmit a debt file to CLEARINGHOUSE in a method and format acceptable to CLEARINGHOUSE. CLAIMANT AGENCY may choose one of three methods for data transmission: (1) customized software application provided by CLEARINGHOUSE; (2) file transfer protocol; and (3) hardcopy documents (hardcopy will require payment of costs of data entry services).
- F. CLAIMANT AGENCY shall comply with the notice and hearing procedures set forth in G.S. 105A-5 prior to the submission of a debt file to CLEARINGHOUSE. Debt files must be received on or before Friday at 5:00 p.m. in order to be included in the following week's submissions by CLEARINGHOUSE to DEPARTMENT.
- G. CLAIMANT AGENCY shall, after a debt file has been submitted to CLEARINGHOUSE, advise CLEARINGHOUSE of any debtor repayment or protests and instructions to delete or reduce a delinquent debt by submitting a new debt file by close of business on the day the repayment or protest and instructions to delete or reduce a delinquent debt is received.

### **III. REPRESENTATIONS AND OBLIGATIONS OF CLEARINGHOUSE**

- A. CLEARINGHOUSE shall, upon receipt of CLAIMANT AGENCY'S debt file, compile the information and submit the data to the DEPARTMENT on Monday of each week.
- B. CLEARINGHOUSE shall remit to the CLAIMANT AGENCY funds received from DEPARTMENT within a reasonable time from the date of receipt from DEPARTMENT. Thereafter, CLEARINGHOUSE shall provide the CLAIMANT AGENCY an accounting of funds collected which will include the name of the debtor, the debtor's social security number, and the amount of the debt setoff as shown on the "File Layout for Submission of Debts from CLAIMANT AGENCY to CLEARINGHOUSE."
- C. CLEARINGHOUSE will provide CLAIMANT AGENCY an entity version of the application software system, which will allow CLAIMANT AGENCY to do its own in-house data entry for transfer to CLEARINGHOUSE. CLEARINGHOUSE will provide free upgrades of the application software periodically, as needed. The entity version of the application system will

provide both a comprehensive online help system and a written Installation/Set-up user's guide. A Pentium class computer with Windows 95 or above is required by CLAIMANT AGENCY using the application software system.

- D. CLEARINGHOUSE will provide a licensed copy of PKWARE'S PKZIP to CLAIMANT AGENCY. This software provides for compression and encryption for the security of the data to be sent to CLEARINGHOUSE. CLEARINGHOUSE will  
also compress and encrypt the data using PKZIP before returning the data to CLAIMANT AGENCY.
- E. CLEARINGHOUSE will provide a toll free telephone number for use by CLAIMANT AGENCY to receive technical support and provide information on the use of software applications and the processing of debts for submission to DEPARTMENT. Technical support and information shall be available from 8:00 a.m. until 5:00 p.m. EST, Monday through Friday, excluding holidays. Voice mail and e-mail access shall also be provided as a part of the support/information response system.
- F. CLEARINGHOUSE will provide, at no cost to CLAIMANT AGENCY, technical support to CLAIMANT AGENCY, including site visits when advisable or appropriate. CLEARINGHOUSE will provide a first-level of support by telephone to attempt to diagnose the problems. However, if first-level support is unsuccessful, an on-site visit will be made within four (4) business days.
- G. CLEARINGHOUSE will provide, at no cost to CLAIMANT AGENCY, a training seminar of one to two days each year for CLAIMANT AGENCY'S staff on the use of the debt setoff application system.

#### IV. UNDERSTANDING OF PARTIES

- A. To recover the costs incurred by DEPARTMENT in collecting debts, it imposes a collection assistance fee on each debt collected through setoff. DEPARTMENT must collect this fee as part of the debt and retain it. To recover the costs incurred by claimant agencies in submitting debts for collection, a local collection assistance fee of \$20 dollars is imposed on each delinquent debt submitted to DEPARTMENT and collected through set off. DEPARTMENT must collect this fee as part of the debt and remit it to CLEARINGHOUSE. If CLAIMANT AGENCY is due a refund of more that \$50 dollars, DEPARTMENT sets the tax refund off in the amount of the delinquent debt plus its collection assistance fees and the local collection assistance fee. If DEPARTMENT is able to collect only part of a debt through setoff, its collection assistance fee has priority over the local collection assistance fee and over the remainder of the delinquent debt. The local collection assistance fee has priority over the remainder of the delinquent debt.
- B. DEPARTMENT has priority over all other claimant agencies whenever it is a competing agency for a refund. State agencies have priority over local agencies. When multiple claims among local agencies are submitted for setoff to CLEARINGHOUSE, the claims have priority based on the date and time each local agency requested CLEARINGHOUSE to submit debts on its behalf. The date and time of submission of the debt file shall constitute the date and time to establish the priority. CLEARINGHOUSE shall use submission receipt date and time of original file for priority date and time of specific debt. Additions to a delinquent debt through accrued interest and/or penalties will not change the priority date. Any "new" delinquent debt for same CLAIMANT AGENCY will have a new submission date and time, including new debts for a previously submitted debtor. A delinquent debt submitted to CLEARINGHOUSE that has been reduced, by setoff or otherwise, to an amount of less than \$50 may lose its existing priority. If such delinquent debt is thereafter combined with a future delinquent debt submission for the same debtor and thereby becomes eligible for setoff, it shall be treated as a part of the "new" debt and shall be assigned priority based on the future submission. If such delinquent debt, through the addition of interest or penalties, is thereafter increased to an amount of at least \$50 and thereby becomes eligible for set off, such debt shall retain its original priority.
- C. CLEARINGHOUSE shall not accept a debt file that is not prepared as specified by CLEARINGHOUSE or where a period of 60 days has not elapsed between the time the CLAIMANT AGENCY declares the debt delinquent and the date the delinquent debt is submitted to CLEARINGHOUSE for collection. CLEARINGHOUSE agrees to submit delinquent debts to Department; provided, however the CLAIMANT AGENCY is solely responsible for complying with the ACT, specifically including the notice and hearing provisions and other requirements of the act.

- D. The CLAIMANT AGENCY acknowledges that CLAIMANT AGENCY is responsible for the notice and hearing requirements of the ACT. CLAIMANT AGENCY affirms to CLEARINGHOUSE that it will comply with the ACT, specifically including the notice and hearing provisions required by the ACT prior to the submission of a delinquent debt to CLEARINGHOUSE for setoff.
- E. Successful interception funds will be disbursed through Capital Management of the Carolinas (Capital Management), the agency that oversees administration of the North Carolina Capital Management Trust. CLAIMANT AGENCY shall have an account with Capital Management prior to the submission of a delinquent debt to CLEARINGHOUSE and shall retain said account for as long as this agreement shall be in full force and effect.

#### V. COMPENSATION

- A. CLEARINGHOUSE shall receive as compensation for its services the \$20 local collection assistance fee that is imposed by DEPARTMENT on each delinquent debt that is submitted by CLEARINGHOUSE and collected through a successful interception. "SUCCESSFUL INTERCEPTION" is defined to mean the DEPARTMENT matched all or a portion of a debt submitted by CLEARINGHOUSE against a State tax refund for interception and payment towards a delinquent debt owed to CLAIMANT AGENCY.
- B. CLAIMANT AGENCY, by the execution of this agreement, authorizes CLEARINGHOUSE to retain the \$20 local collection assistance fee imposed on each delinquent debt for each successful interception. CLAIMANT AGENCY further authorizes CLEARINGHOUSE to retain the local collection assistance fee collected by it in the event CLAIMANT AGENCY is required, by statute or otherwise, to return to a debtor funds that have been set off by DEPARTMENT.
- C. CLAIMANT AGENCY may not combine individual delinquent debts of at least \$50 each by delinquent debtor name and social security number for submission to CLEARINGHOUSE. Multiple debts of less than \$50 owned by the same debtor to a claimant agency, and one debt of less than \$50 and a debt of at least \$50 may be combined to meet the \$50 threshold and thereby constitute a delinquent debt which may be submitted to CLEARINGHOUSE.
- D. Existing submitted delinquent debts may be adjusted upwards for interest, fees etc., and will retain their original priority order, but not a later new delinquent debt, even if from the same debtor. New debts will be date stamped by CLEARINGHOUSE with the later submission date.
- E. In the event of partial payment of a delinquent debt, the CLAIMANT AGENCY may continue to submit the balance of the debt, if \$50 or more, as a part of subsequent data files. If the delinquent debt is reduced to an amount of less than \$50, it may be combined with a future delinquent debt submission for the same debtor, and will be treated as a part of the "new" delinquent debt for purposes of priority and imposition of the local collection assistance fee.

#### VI. INDEMNIFICATION/REIMBURSEMENT

CLAIMANT AGENCY fully understands and warrants to CLEARINGHOUSE that by submission of any delinquent debt submitted to CLEARINGHOUSE for setoff CLAIMANT AGENCY has complied with all of the provisions of the ACT and this agreement. The CLAIMANT AGENCY shall hold CLEARINGHOUSE free and harmless and shall indemnify CLEARINGHOUSE against any and all damages, claims, of action, injuries, actions, liability, or proceedings arising from the failure of CLAIMANT AGENCY to so perform. CLAIMANT AGENCY shall be responsible for the repayment of any sums received by it, including interest, penalties and court costs, to a debtor in the event a court of competent jurisdiction rules that said repayment is due to a debtor or debtors.

#### VII. NOTICE

Any notice required to be given under this Agreement shall be sent by certified or registered mail postage prepaid to: \_\_\_\_\_  
(debt setoff coordinator)

(local agency)

(address); and to: NCLM, P. O. Box 3069, Raleigh, NC 27602-3069 and NCACC, P. O. Box 1488, Raleigh, NC 27602-1488, in the case of CLEARINGHOUSE.

#### VIII. ASSIGNMENT

City:

Zip:

Email Address:

This Agreement is not assignable by

either party.

**IX. CONFIDENTIAL INFORMATION**

In the course of performance of this Agreement, the parties may find it necessary to disclose to the other party certain confidential information ("Confidential Information"). Confidential Information includes, but is not limited to, information relating to the parties' employees, trade secrets, customers, vendors, finances, operations, products, and other business information. The following terms apply to Confidential Information: (i) the non-disclosing party shall treat as confidential and use the same degree of care as it employs in the protection of its own similar confidential information, but in no event less than a reasonable degree of care; and, (ii) the non-disclosing party will only use the information in connection with its business dealings with the disclosing party, and shall disclose information only to employees or contractors having a need to know and who agree to be bound by the terms of this Section, unless otherwise authorized in writing by the disclosing party. Information shall not be subject to these terms if: (i) it is in the public domain at the time of disclosure, or enters the public domain without breach of this Agreement; (ii) it is known to the non-disclosing party prior to the disclosure, or it is independently developed by the non-disclosing party; (iii) it is obtained by nondisclosing party in good faith from a third party not under obligation of secrecy to the disclosing party; or, (iv) it is the subject of a court or government agency order to disclose, provided the non-disclosing party gives prompt notice to the disclosing party to allow the disclosing party to contest such order. The obligations set forth in this Section survive termination, rescission, non-renewal or expiration of this Agreement.

All information, including but not limited to printed, written, oral or computer-formatted information, which CLEARINGHOUSE may gain access to during the course of the performance of this Agreement shall be the property of CLAIMANT AGENCY, shall be held in the strictest confidence, and shall be used solely for the business purposes that are the subject of this Agreement. CLEARINGHOUSE shall maintain confidentiality of such information not only during the course of the performance of this Agreement, but following its termination.

**X. MISCELLANEOUS**

A. This Agreement represents the full and final understanding of the parties with respect to the subject matter described herein and supersedes any and all prior agreements or understandings, written or oral, express or implied. This Agreement may be modified or amended only by a written statement signed by both parties.

B. The laws of the State of North Carolina shall govern the terms and conditions of this Agreement. Should any dispute arise between the parties concerning any matter under this Agreement, such disputes shall be submitted to binding arbitration before the American Arbitration Association, in accordance with applicable rules.

C. CLAIMANT AGENCY shall enter into no other contract for similar services with any other entity so long as this Agreement remains in effect.

D. The CLAIMANT AGENCY shall be identified and contacted as follows:

Type of Agency (Check appropriate type)

A County, to the extent it is not considered a State agency

A municipality

A Water & Sewer Authority (created under Article 1 of Chapter 162A) (Attorney for CLAIMANT AGENCY MUST complete and include Attachment I - Local Agency Certification)

A regional joint agency created by interlocal agreement (created under Article 20 of Chapter 160A) between two or more counties, cities, or both. (Attorney for CLAIMANT AGENCY MUST complete and include Attachment I - Local Agency Certification)

Name of Agency: County of Camden

Director/Chief Exec Officer, etc. Melvin J. Jerals, Chairman

P.O. Box 190, Camden, NC 27921

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the day and date first above written, all by authority of their respective governing bodies.

(Local Agency)

NORTH CAROLINA LOCAL GOVERNMENT  
DEBT SETOFF CLEARINGHOUSE

By: Melan J. Jerald  
(Authorized Official)

By:  
S. Ellis Hankins, Executive  
Director NC League of  
Municipalities

ATTEST: Ara Hugga  
(Clerk)

By: \_\_\_\_\_  
C. Ronald Aycock, Executive Director  
NC Association of County Commissioners

(SEAL)

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Charann C. Mansfield (Signature of Finance Officer)

#### **FY2004-2005 Audit Contract – Mason Spruill**

Commissioner Carolyn Riggs made a motion to approve the FY2004-2005 Contract to Audit Accounts from Mason Spruill in the amount of \$25,000.00. The motion passed with Commissioners Carolyn Riggs, Clayton Riggs, Andrews and Chairman Jeralds voting aye; no Commissioner voting no; Commissioner Jennings absent; and no Commissioner not voting.

#### **Albemarle Mental Health – 3<sup>rd</sup> Qtr. Fiscal Monitoring Report**

The Board acknowledged the 3<sup>rd</sup> Qtr. Fiscal Monitoring Report from the Albemarle Mental Health in the minutes.

#### **Environmental Protection Agency (EPA) Smart Growth Implementation Program**

Planning Director Dan Porter explained the EPA Smart Growth Implementation Assistance Proposal and since Camden County is the 8<sup>th</sup> fastest growing county in the United States is a prime candidate for the Smart Growth Implementation Assistance Program. The primary cost involved would be advertising. The proposal requests assistance from both a community participation process, and an analysis of land use development codes. A public participation process must be carried out to inform citizens of critical impact of rapid growth, to build community consensus on land management and infrastructure development, and to establish short and long term community goals. The existing development codes need to be modified to achieve the goals.

Commissioner Clayton Riggs made a motion to authorize the Chairman to sign an application for the Smart Growth Implementation Assistance Program. The motion passed with Commissioners Carolyn Riggs, Clayton Riggs, Andrews and Chairman Jeralds voting aye; no Commissioner voting no; Commissioner Jennings absent; and no Commissioner not voting.

#### **Set Public Hearing for Budget Hearing**

Commissioner Andrews made a motion to set public hearing for the FY2005-2006 Budget Hearing on June 13, 2005 at 7:00 p.m. The motion passed with Commissioners Carolyn Riggs, Clayton Riggs, Andrews and Chairman Jeralds voting aye; no Commissioner voting no; Commissioner Jennings absent; and no Commissioner not voting.

**Closed Session**

Commissioner Clayton Riggs made a motion to go into closed session pursuant to G.S. 143-318.11(a)(3) for the purpose of consultation with attorney. The motion passed with Commissioners Carolyn Riggs, Clayton Riggs, Andrews and Chairman Jeralds voting aye; no Commissioner voting no; Commissioner Jennings absent; and no Commissioner not voting.

The Commissioners entered closed session at 9:20 p.m.

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

The Commissioner re-entered regular session at 9:41 p.m.

Commissioner Jeffrey B. Jennings arrived during closed session at 9:32 p.m.

Upon entering regular session, Chairman Jeralds called for any motions.

Hearing no motions, Chairman Jeralds proceeded with the meeting.

**County Manager's Report**

County Manager Randell Woodruff stated that he received notification that the county was awarded PARTIFF funds for the Community Park proposed track facility and is waiting notification regarding another grant and will have more information in July.

County Manager Randell Woodruff informed the Board regarding the recent trip to Washington, DC to meet with elected officials. The ROTC program was discussed favorably.

**Other Matters**

Attorney Mullen gave a brief report regarding impact fees. Mr. Mullen spoke with Representative Owens who stated that if anything goes through legislation, he will make sure that Camden County is included, and spoke with Senator Basnight's office, who supports Camden whole heartily, and also spoke with Durham County Attorney Chuck Kitchen, who is working on composite counties who are experiencing growth and thought at this time, and at this juncture, it was an approximate twenty percent (20%) chance of passing legislation.

**Consideration of Resolution No. 2005-05-01 Resolution of the Camden County Board of Commissioners Authorizing the Filing of an Application for Approval of a Financing Agreement Authorized by North Carolina General Statute 160A-20**

County Manager Randell Woodruff stated the .15 cents tax increase needed to pay the debt service for the schools would generate \$720,000.00 in revenue. This would be a twenty percent (20%) tax increase in the current tax rate. If the current tax bill is \$500.00, it would increase \$100.00 and if the current tax bill is \$1,000.00, it would increase \$200.00. Mr. Woodruff stated an adjustment in the county tax rate could be made after the revaluation has been completed to be effective January 2007.

Commissioner Carolyn Riggs stated it was her understanding that a smaller scale school could be built to accommodate the needs for a few years giving time for commercial business to come into the county and then use the tax revenue from commercial business to build the schools. Commissioner Carolyn Riggs stated a ten cent (.10) increase will be tough on some people because they can not afford it. Commissioner Carolyn Riggs stated she felt that the county should build what is adequate and then not be in such a hurry and then build on to the schools again when there is more tax revenue.

Commissioner Andrews stated he had a problem with such a large tax increase and feels that the citizens can not be asked to pay that large a tax increase without the county trying to cut their budget to save money. Commissioner Andrews asked what the school board could do to help by cutting their budget.

Dr. Dunn stated that 70% of the school system's revenue for the current expense operating budget comes from state sources. 15% of the revenue comes from local county sources. Included in the appropriations received from the state sources, is \$1.7 million special appropriation, because the school system is classified as low wealth and small. To be eligible to receive the low wealth and small school appropriation the local county must comply with a non-supplant formula, which guarantees that the county will not use state sources in lieu of the county's effort to support schools. The non-supplant formula averages the three prior years of local county appropriations to determine the amount the local county must fund, which is 95% of the three year average. For FY06, Camden County is required by the non-supplant formula to fund \$4,000 more than the FY05 appropriation. The school system is requesting \$32,000 additional appropriation. Dr. Dunn stated that it would not be wise to make a significant cut in the school system's current expense operating budget for FY06, due to the fact that the county would risk losing \$1.7 million in state revenue.

Commissioner Andrews asked Dr. Dunn if there was any way the architect could cut the cost of the school construction. Dr. Dunn stated that the construction management company had analyzed the architect's drawings, using the detailed analysis method that the company uses to bid on construction projects. The company was able to identify approximately \$200,000 in cost saving measures for the school. Their effort brought the cost of the school down to approximately \$11.6 million without adversely affecting the quality of the construction project.

Commissioner Andrews asked if the architect had looked into possible cost saving options, such as using wood trusses instead of steel beams, to cut down the price. He also wanted to know if it was possible to leave some of the rooms as shells so that in the future they could be outfitted and used as classrooms.

Dr. Dunn stated that at the previous joint meeting of the Board of Commissioners and Board of Education, the idea of leaving some classrooms as shells, unfinished and unfurnished, was discussed and rejected. At the previous meeting the architect explained to the two boards that once the foundation and roof top are constructed there is very little cost savings to be derived by not finishing the interior. Costs are actually incurred by finishing the interior for a different use than the design calls for. Dr. Dunn further explained that the construction management company had evaluated the use of wood trusses instead of steel. He explained that fire codes require specific fire protection measures, with or without steel. When steel is not used wood trusses must be treated, fire walls in the attic are required to be constructed and the sprinkler system is required to be installed. The addition of those requirements negates any cost savings which might be derived from using a cheaper product, like wood instead of steel. Dr. Dunn explained that building code requirements are very strict for facilities which house students.

Commissioner Carolyn Riggs pointed out that school construction notoriously goes over budget in millions of dollars.

Perry Morrow, 150 Keeter Barn Road, stated that in reading the agenda item Consideration of Resolution 2005-05-01 he had no idea that the Board would be voting on a twenty percent (20%) tax increase.

Chairman Jeralds stated that the Board was not voting on a tax increase, but on a resolution that the Board supports. The tax increase will not be voted on until the budget hearing on June 13, 2005.

Mr. Morrow stated he supports a tax increase but not as much as the Board proposes.

Commissioner Carolyn Riggs stated that voting on Resolution No. 2005-05-01 tonight is telling USDA that the Board is willing to raise the taxes to whatever figure is on the resolution.

County Manager Randell Woodruff stated this resolution will be sent to the Local Government Commission, and before USDA can proceed, this resolution has to be filed with LGC.

Attorney Herbert Mullen stated in order to obtain the USDA loan at the interest rate and term for forty (40) years, the county must have fifteen cents (.15) with the current real estate valuation to pay for this particular loan.

Commissioner Jeffrey B. Jennings made a motion to approve Resolution No. 2005-05-01 with Item 5. will not exceed fifteen cents (.15) per \$100 valuation. The motion passed with Commissioners Jeffrey B. Jennings, Clayton Riggs, and Chairman Jeralds voting aye; Commissioners Carolyn Riggs and Andrews voting no; no Commissioner absent; and no Commissioner not voting.

Approved Resolution No. 2005-05-01 reads as follows:

**RESOLUTION NO. 2005-05-01**

**RESOLUTION OF THE CAMDEN COUNTY BOARD OF COMMISSIONERS AUTHORIZING THE FILING OF AN APPLICATION FOR APPROVAL OF A FINANCING AGREEMENT AUTHORIZED BY NORTH CAROLINA GENERAL STATUTE 160A-20**

WHEREAS, the Camden County Board of Commissioners of Camden, North Carolina desires to build an "Intermediate School" (the "Project") to better serve the citizens of Camden County; and

WHEREAS, the Camden County Board of Commissioners of Camden, North Carolina desires to finance the Project by the use of a standard installment contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract;

NOW, THEREFORE, BE IT RESOLVED that the Camden County Board of Commissioners of Camden, North Carolina, meeting in regular session on the 16th day of May, 2005, make the following findings of fact:

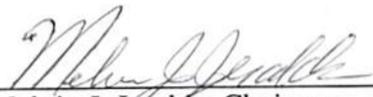
1. The proposed contract is necessary and expedient due to overcrowding of the schools.
2. The proposed contract is preferable to a bond issue because the cost of bond issuance is costly and due to time constraints an installment contract is applicable.
3. The sums to fall due under the contract are adequate and not excessive because the cost of the project will be determined through competitive bids.
4. The Camden County Board of Commissioners of Camden, North Carolina debt management procedures and policies are good because previous debt management policies of the contracting unit have been carried out in strict compliance with law, and the county has never defaulted on any debt.
5. The increase in taxes is necessary to meet the sums to fall due under the proposed contracts will not exceed .15 cents per \$100 valuation and is not deemed to be excessive.
6. The Camden County Board of Commissioners of Camden, North Carolina is not in default in any of its debt service obligations.
7. The attorney for the Camden County Board of Commissioners of Camden, North Carolina will render an opinion that the proposed Project is authorized by law

and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.

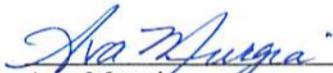
NOW, THEREFORE, BE IT FURTHER RESOLVED that the County Manager is hereby authorized to act on behalf of the Camden County Board of Commissioners of Camden, North Carolina in filing an application with the North Carolina Local Government Commission for approval of the Project and the proposed financing contract and other actions not inconsistent with this resolution.

This resolution is effective upon its adoption this 16th day of May, 2005.

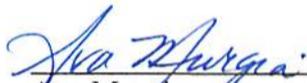
The motion to adopt this resolution was made by Commissioner Jeffrey B. Jennings and passed by a vote of three (3) to two (2).

  
Melvin J. Jerald, Chairman  
Camden County Board of Commissioners

ATTEST:

  
Ava Murgia  
Clerk to the Board

This is to certify that this is a true and accurate copy of Resolution No. 2005-05-01, adopted by the Camden County Board of Commissioners of Camden, North Carolina on the 16th day of May, 2005.

  
Ava Murgia  
Clerk to the Board

  
Date

**Consideration of Resolution No. 2005-05-02 Resolution of the Camden County Board of Commissioners Authorizing the Filing of an Application for Approval of a Financing Agreement Authorized by North Carolina General Statute 160A-20**

County Manager Randell Woodruff stated that Resolution No. 2005-05-02 is identical to Resolution No. 2005-05-01 and is related to the \$2m in QZAB funding.

Commissioner Clayton D. Riggs made a motion to approve Resolution No. 2005-05-02 with Item 5. will not exceed fifteen cents (.15) per \$100 valuation. The motion passed with Commissioners Jeffrey B. Jennings, Clayton Riggs, and Chairman Jerald voting aye; Commissioners Carolyn Riggs and Andrews voting no; no Commissioner absent; and no Commissioner not voting.

Approved Resolution No. 2005-05-02 reads as follows:

**RESOLUTION NO. 2005-05-02**

RESOLUTION OF THE CAMDEN COUNTY BOARD OF COMMISSIONERS AUTHORIZING THE FILING OF AN APPLICATION FOR APPROVAL OF A FINANCING AGREEMENT AUTHORIZED BY NORTH CAROLINA GENERAL STATUTE 160A-20

WHEREAS, the Camden County Board of Commissioners of Camden, North Carolina desires to renovate the "Grandy Primary School" (the "Project") to better serve the citizens of Camden County; and

WHEREAS, the Camden County Board of Commissioners of Camden, North Carolina desires to finance the Project by the use of a Qualified Zone Academy Bond (QZAB) contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract;

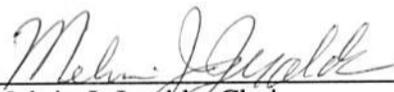
NOW, THEREFORE, BE IT RESOLVED that the Camden County Board of Commissioners of Camden, North Carolina, meeting in regular session on the 16th day of May, 2005, make the following findings of fact:

1. The proposed contract is necessary and expedient due to overcrowding of the schools.
2. The proposed contract is preferable to a bond issue because the cost of bond issuance is costly and due to time constraints an installment contract is applicable.
3. The sums to fall due under the contract are adequate and not excessive because the cost of the project will be determined through competitive bids.
4. The Camden County Board of Commissioners of Camden, North Carolina debt management procedures and policies are good because previous debt management policies of the contracting unit have been carried out in strict compliance with law, and the county has never defaulted on any debt.
5. The increase in taxes is necessary to meet the sums to fall due under the proposed contracts will not exceed .15 cents per \$100 valuation and is not deemed to be excessive.
6. The Camden County Board of Commissioners of Camden, North Carolina is not in default in any of its debt service obligations.
7. The attorney for the Camden County Board of Commissioners of Camden, North Carolina will render an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.

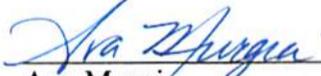
NOW, THEREFORE, BE IT FURTHER RESOLVED that the County Manager is hereby authorized to act on behalf of the Camden County Board of Commissioners of Camden, North Carolina in filing an application with the North Carolina Local Government Commission for approval of the Project and the proposed financing contract and other actions not inconsistent with this resolution.

This resolution is effective upon its adoption this 16th day of May, 2005.

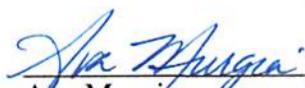
The motion to adopt this resolution was made by Commissioner Clayton Riggs passed by a vote of three (3) to two (2).

  
\_\_\_\_\_  
Melvin J. Jeralds, Chairman  
Camden County Board of Commissioners

ATTEST:

  
\_\_\_\_\_  
Ava Murgia  
Clerk to the Board

This is to certify that this is a true and accurate copy of Resolution No. 2005-05-02, adopted by the Camden County Board of Commissioners of Camden, North Carolina on the 16th day of May, 2005.

  
\_\_\_\_\_  
Ava Murgia  
Clerk to the Board

  
\_\_\_\_\_  
Date

**Consideration of Installment Financing Contract for Camden Intermediate School  
- USDA Rural Development**

County Manager stated consideration of an installment financing contract with USDA is agreeing with the specifics of the financing contract.

Commissioner Clayton Riggs made a motion to approve the installment financing contract for Camden Intermediate School with USDA Rural Development at 4.25% for forty (40) years for the financing of the school. The motion passed with Commissioners Jeffrey Jennings, Carolyn Riggs, Clayton Riggs, Andrews and Chairman Jeralds voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

**Consideration of QZAB Financing Contract for Grandy Primary School - Bank of America**

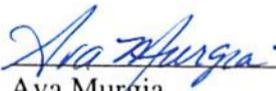
Commissioner Jeffrey Jennings made a motion to approve the QZAB financing contract at 2.50% for fifteen (15) years. The motion passed with Commissioners Jeffrey Jennings, Carolyn Riggs, Clayton Riggs, Andrews and Chairman Jeralds voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

**Adjournment**

There being no further business to come before the Commissioners, Commissioner Clayton Riggs made a motion to adjourn. The motion passed with Commissioners Jeffrey Jennings, Carolyn Riggs, Clayton Riggs, Andrews and Chairman Jeralds voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

The meeting adjourned at 10:47 p.m.

ATTEST:

  
Ava Murgia  
Clerk to the Board

  
Melvin J. Jeralds, Chairman  
Camden County Board of Commissioners