

**Camden County Board of Commissioners
Special Meeting - Public Hearing
June 25, 2024; 6:00 PM
Camden Public Library Boardroom
118 Hwy 343 North**

Minutes

A duly-noticed Special Called meeting of the Camden County Board of Commissioners was held at 6:00 PM on June 25, 2024 in the boardroom of the Camden Public Library in Camden, North Carolina. The purpose of the meeting was to hold a public hearing in consideration of a temporary moratorium delaying the approval of residential subdivisions and multifamily use. The Board also recessed to Closed Session for consultation with the County Attorney.

Notice of Public Hearing as published in *The Daily Advance* newspaper on June 7, 2024 and June 14, 2024.

Notice is hereby given, in accordance with NCGS 160D-107 & NCGS 160D-601, that the Camden County Board of Commissioners will hold a public hearing on Tuesday, June 25, 2024 at 6:00 P.M. in the boardroom of the Camden Public Library located at 118 NC Hwy 343 North in Camden, NC. The purpose of the hearing is to receive public input and to discuss a possible temporary thirty-month moratorium ordinance on County development approvals of subdivisions and multifamily housing projects, as a result of limited water production and waste water treatment capacity and to allow the County to finalize design and construct new water and waste water treatment facilities.

Call to Order

The meeting was called to order by Vice Chair Troy Leary at 6:00 PM. Also Present: Commissioners Randy Krainiak, Sissy Aydtlett and Tiffney White. Absent: Chair Ross Munro

Administration Staff Present: County Manager Erin Burke, County Attorney John Morrison Clerk to the Board Karen Davis.

Consideration of the Agenda

Motion to approve the agenda as presented.

RESULT:	PASSED [4-0]
MOVER:	Tiffney White
AYES:	Troy Leary, Randy Krainiak, Tiffney White, Sissy Aydtlett
ABSENT:	Ross Munro

Public Hearing in Consideration of Temporary Development Moratorium

Motion to open the Public Hearing.

RESULT:	PASSED [4-0]
MOVER:	Tiffney White
AYES:	Troy Leary, Randy Krainiak, Tiffney White, Sissy Aydtlett
ABSENT:	Ross Munro

County Attorney John Morrison explained the purpose of the public hearing and advised that the Board of Commissioners must follow specific laws as outlined in North Carolina General Statutes when considering a development moratorium. Mr. Morrison added that the hearing is a legislative proceeding, which does not require speakers to testify under oath.

Mr. Morrison called upon County Manager Erin Burke for questioning.

Attorney Morrison: Give us your name and address please for the record.

Manager Burke: Erin Burke, 414 Neck Road, Shiloh.

Attorney Morrison: And how are you employed, Mrs. Burke?

Manager Burke: I am the County Manager for Camden County.

Attorney Morrison: And how long have you been so employed?

Manager Burke: Since July 11, 2022.

Attorney Morrison: Can you give us a brief history of your educational background?

Manager Burke: I have a Bachelor's Degree in Urban & Regional Planning and attended numerous courses through the UNC School of Government, including the Municipal & County Administration course.

Attorney Morrison: Do you hold any licenses?

Manager Burke: Not currently, sir; other than my driver's license.

Attorney Morrison: Now tell us what the problem is. Why are we here tonight?

Manager Burke: So at the I believe it was March 19th work session with the Board of Commissioners, myself the County Manager and the Public Works Director Chuck Jones, presented an outline regarding the current water and waste water usage and allocation for the County. We operate and we operate two waste water treatment plants and both of those utilities have been over-allocated.

Attorney Morrison: Alright let's stop just a minute and be clear here now. The County serves both potable drinking water and waste water.

Manager Burke: Yes, sir.

Attorney Morrison: And we do that under what authority?

Manager Burke: Under the authority granted to us in General Statutes. I can't site the exact statute but I think Chuck might know that.

Attorney Morrison: That's what I wanted. And how many customers do we have for water; drinkable water?

Manager Burke: I'll have to defer to the Public Works Director on that number.

Attorney Morrison: Okay. And likewise, I assume you will defer on the waste water.

Manager Burke: Correct.

Attorney Morrison: But what are alternatives to water and waste water being furnished by the County?

Manager Burke: Private wells and private septic systems or small treatment plants.

Attorney Morrison: Okay and we have a number of subdivisions do we not, and other developments that have already been approved and has vested rights that have been allocated water when they come online?

Manager Burke: Yes, sir.

Attorney Morrison: And for the public – if a developer or private resident or whatever has applied for an received a permit prior to notice of this hearing, that is what's referred to as a vested right and the County has to honor that whether they go forward with the moratorium or not. Alright so we could have an uncashed check out there to put it that way.

Manager Burke: We do. Yes, sir.

Attorney Morrison: Is it a big one?

Manager Burke: It's a large one.

Attorney Morrison: Alright. And I guess Chuck can help us with this but we have, in addition to current clients that are receiving water and waste water, we have a substantial number of new clients that are not yet utilizing the water and waste water but are legally entitled to it.

Manager Burke: Both contractually and through General Statute, yes.

Attorney Morrison: Alright now talk to me about...well what would be wrong in your opinion just letting folks dig wells?

Manager Burke: Chuck will be better to answer this question but there's a reason why we have central water systems in Camden County and the reason why the County pursued taking over South Mills Water Association; is that the quality of shallow wells and the water that comes from those wells is not good quality. And to knowingly allow folks to proceed and tap into those aquifers, you are signing yourself up for trouble. The County currently relies very heavily on the residential tax base to fund services. And so if we were to allow a subdivision to put in wells and use septic systems and those systems start to fail and the wells start to fail, while it is not our technical responsibility to fix the problem, we would have an obligation to address the public health and public safety side of things for those residents. And in my understanding and experience when you have systems that are failing it degrades the property values in those subdivisions. And so ultimately it would degrade the tax base of the County.

Attorney Morrison: Alright. Tell me about there's another potential alternative; allowing developers to build their own plants.

Manager Burke: I would refer the County to our neighboring County of Currituck and the private waste water treatment plant that was established there. The system failed and the County has been left essentially on the hook for repairing that. They were able to secure some grant funding through the state but that has been after numerous violations and health concerns. There were folks that were having to use porta-johns outside of their homes.

Attorney Morrison: Now in our discussions, and for the public, they were all legal discussions. I'm not a policy maker. You mentioned to me a study by East Carolina University on this point.

Manager Burke: Yes.

Attorney Morrison: Can you tell us the source of that?

Manager Burke: So there's a study underway with East Carolina University regarding septic systems, failing septic systems and the rise in water table in coastal North Carolina. Whether it's from regular inundation through more frequent rain events, whether it's through sunny day flooding because of higher tides, whether it's through more frequent storm events and tropical weather, there is a trend in septic systems because of regular inundation.

Attorney Morrison: So it would be your professional opinion that that is not a good option for the public and the County.

Manager Burke: Yes, sir.

Attorney Morrison: Alright. Now this matter has been to the Planning Board. Has it not?

Manager Burke: Yes. It went to the Planning Board twice for discussion and at the May 22nd meeting it was recommended to this board on a 6 to 1 vote to approve a 30-month moratorium.

Attorney Morrison: Alright. And did they establish the statutory facts?

Manager Burke: Yes, sir they did. There are four facts that have to be identified according to statute.

Attorney Morrison: And have you reviewed the facts they found?

Manager Burke: Yes, sir.

Attorney Morrison: Do you agree or disagree with them?

Manager Burke: I would agree with them.

Attorney Morrison: Alright. Do they need any amendment in your professional opinion to accurately state the situation that you content requires a moratorium?

Manager Burke: I don't think so. No, sir.

Attorney Morrison: Okay. Commissioners, attached to your information packet tonight is the minutes of the Planning Board meeting and what they addressed. Now what do you think the remedy is to this situation?

Manager Burke: In conversations with the Public Works Director, we have kind of two parallel things that we need to work on. I'll start on the water side of the house. We have the ability to produce water supply. One of the things that we need to work towards is expanding our water storage capacity. So that is the building of a clear well and general expansion work at the plant. The other side of the house is waste water treatment. I started with water because it appears that that might be a little bit easier to tackle than waste water, but both systems require permits through the state. But waste water is a significantly longer permitting process. Prior to my employment with the County, the County began a process of plans to expand the waste water treatment plant. Those plans are at approximately 65% completion. They are pending approval of a discharge method and site selection for that plant; whether we use existing County property or we have to seek additional property for that. So that process is already underway as far as planning for that. Chuck has had conversations with the State to begin talking about a discharge method and so we've started that process. We're actively working towards a resolution. But from start to finish in the most ideal vacuum of a scenario, it will take approximately 30 months to get going.

Attorney Morrison: Alright and who would be affected by this moratorium?

Manager Burke: The proposed moratorium is specifically for residential subdivisions and multifamily users.

Attorney Morrison: Okay. Now of course we would honor the vested rights that this statute provides for.

Manager Burke: Yes, sir.

Attorney Morrison: Now if somebody owned a lot and they just wanted to build a house on it, are they going to be affected by this?

Manager Burke: Pick up their permit tomorrow.

Attorney Morrison: Okay. One thing we haven't covered is how imminent is this? Am I correct in understanding? You're telling the Board we're about to run out of water and waste water.

Manager Burke: We have supply. The issue is we don't have supply beyond what we've already obligated ourselves to.

Attorney Morrison: That's what I mean, yeah.

Manager Burke: Yes.

Attorney Morrison: The people that are vested, we can take care of them, but beyond that...

Manager Burke: Well we can take care of them up to a point but we need to work on an expansion to address all of that. That expansion was done incrementally over a number of years; not the expansion of the plant, but the expansion of approvals and there was never work done towards expanding the plant during that time period.

Attorney Morrison: Okay. (audience phone ringing) Alright, at the risk of returning to the subject, for the Commission to undertake something as you are suggesting, it has to be urgent. Do you have an opinion is this an immediate danger to the health, safety and welfare of the community?

Manager Burke: Yes, sir. To continue to approve new development would be reckless, in my opinion.

Attorney Morrison: It would also not be fair to developers either, would it?

Manager Burke: I would agree with that.

Attorney Morrison: Okay. Now going forward there's going to be a permitting problem, too. Is there not?

Manager Burke: Yes, so the state...we have to work through approvals with the state for a discharge method and that is going to take a significant period of time in order to complete plans for the construction of the plant. So there's kind of a series of events. It's permitting, it's construction plans, it's bidding and it's construction. And so in order for the last three steps to happen, which are going to take a while anyways, we have to secure a permit. And we are at the whim of the state when it comes to securing that permit.

Attorney Morrison: I believe there was something before the Planning Board that just the permitting can be a two-year process.

Manager Burke: It could be. Yes, sir.

Attorney Morrison: Okay. Alright now if we were able to resolve this problem quicker than thirty months...

Manager Burke: Yes.

Attorney Morrison: ...or if we were to see some breakthrough or some other alternative that was reason and safe that would come to the County's attention, we would be willing to terminate earlier than...

Manager Burke: If that's the case I would strongly encourage the Board to terminate. If we can secure permits and begin construction and somebody you know downloads a new waste water treatment for us we'll be happy to rescind it. I just can't in good conscience continue in the method that we've continued, knowing the figures that we have.

Attorney Morrison: Okay. Now one other issue that occurs to me we need to discuss; this is going to cost a lot of money isn't it?

Manager Burke: Yes, sir.

Attorney Morrison: And so the County is apt to have to engage in financing?

Manager Burke: Yes, sir.

Attorney Morrison: And seeking out of grants.

Manager Burke: Yes, sir.

Attorney Morrison: And all of that is very time consuming.

Manager Burke: It is, yes. The engineering company that we've secured has a branch that works specifically on that. And so they're already actively seeking funding for us.

Attorney Morrison: Okay now do you have an idea, ballpark figure, how much all of this is going to cost?

Manager Burke: I'd be hesitant to say. And I say that only because if it does in fact take us two more years to get through a permitting process, that's two more years of unpredictability in the economy.

Attorney Morrison: Alright.

Manager Burke: I will say that our \$10 million grant from the state will not come close to it though.

Attorney Morrison: Okay. So there's a possibility of a bond issue; there's a possibility of other kinds of financing?

Manager Burke: Yes, sir.

Attorney Morrison: Alright. Now let's talk about compliance with the requirements of North Carolina General Statute 160D-107. Are you familiar with that statute?

Manager Burke: Yes, sir.

Attorney Morrison: Okay I want to draw your attention...and the Board, you have a copy of the statute. If you would go to Section D. These are statements that the Board must be able to make after this hearing is concluded and simultaneously with the granting of any moratorium, if that's what they choose to do. Let's talk about it. Can you give us a statement of what you think the problem and the conditions that are necessitating the moratorium?

Manager Burke: The over-obligation of water and waste water services in the County.

Attorney Morrison: Alright. What courses of action alternative to a moratorium has the staff considered? By the staff, I mean primarily you and the Public Works Director.

Manager Burke: I mean it runs the gamut. There's the 'do nothing and wait and see what happens' which seems irresponsible. You know there's to allow folks to use septic systems and to establish private wells and leading all the way up to the moratorium. There's a spectrum of options available out there.

Attorney Morrison: I believe you've already expressed your opinion as to why you don't think those alternatives are acceptable. Okay now we've talked about what development approvals would be subject to the moratorium. How will a moratorium on those folks' development primarily, how will they be affected; the developers that have not applied?

Manager Burke: That have not applied. So the County staff would not entertain applications for residential subdivisions or multifamily developments.

Attorney Morrison: Okay. Now you said thirty months. Why is that?

Manager Burke: The thirty-month time was established in conversation over what we estimated the permitting, design, bidding and construction would be. At some point we anticipate that we'll get far enough into the construction process that we'll be able to take on new customers and transition everybody over to a new system. Thirty months, I will caution, is ambitious given our recent conversations with the state.

Attorney Morrison: Alright now to understand the gravity of the situation, what we have here is on the one hand the protection of private property rights, people who want to develop, which is enshrined in the Constitution of the United States and the Constitution of North Carolina.

Manager Burke: Yes, sir.

Attorney Morrison: And on the other hand, the health, safety and welfare of the community.

Manager Burke: Yes, sir.

Attorney Morrison: Alright. That's a tough decision, Commissioners. Now what actions have you taken and you think you must take and what kind of schedule would be involved in doing that?

Manager Burke: So as I mentioned previously, the County over the last two or three years has gotten plans for a new waste water treatment plant to about 65% completion. When the information was kind of gathered by the Public Works Director and presented to me, we scheduled a meeting with the Board to give them those facts as expeditiously as possible in March. Following that meeting, staff were directed to investigate the process for establishing a moratorium. We started that process at the same time we reached out to secure an engineering firm to walk through essentially what the ultimate process would be with permitting and construction and all of that kind of stuff. So that was approved at the May 6th Board of Commissioners meeting. The Public Hearing was set for this. Once the problem was presented on paper, we moved as expeditiously as possible to get there. Chuck had a conference call with representatives from the State last week on Wednesday to discuss what the permitting process would look like, what parameters we may held to, what kind of testing and reporting that we're going to have to develop to go through that permitting process. We're working and hopefully we'll have information back from our engineering firm maybe in October as far as next steps go. So after that it will be securing a permit from the state, completing the design documents for the waste water treatment plant...and I'll talk about water, as well; the plan and design for the waste water treatment plant, putting the design out for bid, securing bids, beginning construction.

Attorney Morrison: We also have to obtain financing, too?

Manager Burke: And financing is in there someplace.

Attorney Morrison: Alright the engineering firm that we have hired is local; we won't have to be riding up and down the road to Raleigh?

Manager Burke: Timmons Group.

Attorney Morrison: Timmons. And they're experienced in this kind of work?

Manager Burke: Yes. And they're the firm that we worked with to get the plans to 65% completion.

Attorney Morrison: And they're already under contract with us.

Manager Burke: Yes, sir.

Attorney Morrison: Okay. Now one of the reasons you selected them, or the Commissioners did, is they also have an employee who is expert in available financing. Is that correct?

Manager Burke: Correct, yes sir.

Attorney Morrison: And they would help us. Now I noticed in giving the schedule, you couldn't say by July 31st we would have done this or that and the other. Is that in fact because the problem is under investigation by the engineering firm and they can't tell us?

Manager Burke: Correct.

Attorney Morrison: But they will give us a schedule.

Manager Burke: And ultimately, we will be at the mercy of the state.

Attorney Morrison: Alright. So it's difficult at this stage to give a schedule beyond what you've done.

Manager Burke: Yes, sir.

Attorney Morrison: Alright now what is the motivation of the staff, if the Board was to see fit to issue a moratorium, to get this done as expeditiously as possible?

Manager Burke: We are continuing to do that. That is already the goal of staff.

Attorney Morrison: Alright would be you be willing...of course you don't really get a choice, but would you cooperate if the Board was to say it will be an agenda item on every Board meeting hereafter to give a status report as to where we are of getting out from under?

Manager Burke: Absolutely. I think that that would be in the best interest of the Board and the public.

Attorney Morrison: Alright, thank you. Commissioners, starting with Mr. Chairman, you are free to ask questions if you need to consult with me on a legal matter. I'm not going to give you advice as to which way it should go or not. But if you have a legal question we can briefly go into Closed Session to do that.

Vice Chair Leary: Okay you said thirty months should be enough time as far as you know?

Manager Burke: Ambitious.

Vice Chair Leary: Okay so if we need an extension, how long of an extension would we need?

Manager Burke: I would be hesitant to say. I hate to throw it back at the state, but we really are at the mercy of the state and how frequently they'll communicate with us and how long it takes to go through a permitting and review process.

Vice Chair Leary: Any other questions from the Board?

Attorney Morrison: Let me make another point if I may please, Mr. Chairman.

Vice Chair Leary: Yes, sir.

Attorney Morrison: We have already reached out to our legislative officials.

Manager Burke: Yes, sir. When this was brought to my attention in March I shared that concern with the legislative officials in an email as far as funding goes; seeking additional funding on top of the monies that we had already received. And then when we were in Raleigh for County Advocacy Days we sat down with our representatives and expressed this concern to them then, as well.

Attorney Morrison: Alright and I believe since this is a legislative hearing, I'm not going to get in trouble for a leading question. But in your discussions it was urged upon them that we needed their assistance in moving the state along as quickly as possible?

Manager Burke: Yes, that we may need to reach out to them for assistance in that process.

Attorney Morrison: And that we also are going to need some money.

Manager Burke: Yes, sir.

Attorney Morrison: Okay. Alright anyone else have any questions?

Commissioner Krainiak: General Statute 160D-107, may not shows up a couple times there. What does may not...does it state not or may not? May not extend...

Attorney Morrison: I think the way it would be in the statute would be you can't do it.

Commissioner Krainiak: It ain't gonna' happen.

Attorney Morrison: Yes. I wanted to address...there is a procedure for an extension but if anything, it becomes more onerous and you have to start this whole procedure over again. So I probably will not be your County Attorney at the time of any extension because I am decrepit. But he or she will have his work cut out for them if you try to get an extension. I think you just need to know that upfront. But there's always the possibility, if I may intervene, there can be technological advances; we may discover we don't need as much as we think we do, whatever. Alright, Madam Manager is it also fair to say based on your experience, and by the way you were previously the Planning Director for the City of Williamsburg, Virginia?

Manager Burke: I was not the Director. I was the Principal Planner for the City of Williamsburg, yes sir.

Attorney Morrison: Okay and likewise for the Town of Manteo.

Manager Burke: I was the Town Planner for Manteo, North Carolina.

Attorney Morrison: Okay. So you've been in some pretty sophisticated places.

Manager Burke: Yes, sir.

Attorney Morrison: Would it be a fair statement to say in your brief experience here in Camden over a year, that we are business friendly and we want to get this problem resolved?

Manager Burke: Yes, sir. One of my fundamental truths is find a way to yes. And my staff knows that, as well. I don't undertake this lightly at all. I know that it is a burden to the property owners but I don't take the responsibility of the public health, safety and welfare lightly. And ultimately, I think that that's what this question comes down to.

Attorney Morrison: Okay. Alright any other questions? If not, I would like Mr. Jones to come up please. Alright, would you give us your name and address?

Chuck Jones: Charles Jones. Most of you know me as Chuck. I live at 658 Methodist Church Road in Elizabeth City.

Attorney Morrison: And what is your education background?

Chuck Jones: I have a Bachelor of Science in Applied Physics and a minor in Applied Chemistry.

Attorney Morrison: And that was in Elizabeth City State? And you have a number of licenses, do you not?

Chuck Jones: I have six waste water, three water, four building inspection licenses and two pesticide licenses.

Attorney Morrison: Okay. People that are good with numbers, as you obviously must be, intimidate me.

Chuck Jones: The feeling's mutual.

Attorney Morrison: And Mr. Jones, what is your previous work history?

Chuck Jones: I worked sixteen years with the City of Elizabeth City.

Attorney Morrison: In what capacity?

Chuck Jones: Started out as a waste water plan operator. Became a building inspector for three years and then I became the Utility Treatment Manager. I was in charge of all the water and waste water from well field to the river. And I spent thirteen years in the Town of Hertford in the Public Works Department primarily running the waste water plan and the collection and distribution system. And then three years here in Camden.

Attorney Morrison: What is the duty of the Public Works Director?

Chuck Jones: You've got to make sure everything runs like it's supposed to; make sure the staff has what they need to do their jobs.

Attorney Morrison: You also have to protect the public, too, do you not?

Chuck Jones: Well public safety I mean as far as health.

Attorney Morrison: Alright you heard the Manager's statement.

Chuck Jones: Yes, sir.

Attorney Morrison: Alright do you agree with her as to what the problem is?

Chuck Jones: Yes, sir.

Attorney Morrison: This is a question and I don't want to throw anybody under the bus, but this problem just kind of burst on the scene since the Manager's been here hasn't it?

Chuck Jones: It appears that way.

Attorney Morrison: We didn't have any heads up on this.

Chuck Jones: Well it appears that way but it's not 100% true. It's been out there waiting but some of the road blocks that were keeping it from occurring have gone away.

Attorney Morrison: What were those road blocks?

Chuck Jones: Primary the main road block for the north end of the County was South Mills Water.

Attorney Morrison: And the north end of the County is what's developing most?

Chuck Jones: Yes, sir.

Attorney Morrison: Okay. As of Thursday of last week, the County acquired South Mills Water Association assets and they are no longer the block that were you talking about.

Chuck Jones: That's correct.

Attorney Morrison: Okay. Alright now based upon your training, education and experience, it is a fair statement that the County is basically running out of water if it goes beyond serving its current customer base and those customers who have not had a demand for water but which are vested or entitled to water.

Chuck Jones: We'll be close on the potable water side with what's committed and what we're already serving.

Attorney Morrison: Alright. Close meaning we can meet it but we don't have much left over.

Chuck Jones: Yes, sir. We don't have a lot of reserved capacity.

Attorney Morrison: Alright, what about the waste water?

Chuck Jones: The waste water, we're treating on the north end on the County. We're averaging about 13,000 gallons a day. There's a 50,000 already committed so that puts us at 63,000 and the plant's rated for about 100,000 a day.

Attorney Morrison: So that leaves less than 39,000 gallons of excess.

Chuck Jones: Roughly.

Attorney Morrison: Okay. So that would be consumed pretty quickly by a large developer, would it not?

Chuck Jones: It would be gone. And the state requires us at 85% of capacity to design a new waste water plant and at 90% we're expected to be constructing a new waste water plant.

Attorney Morrison: And we're close to that 85% right now.

Chuck Jones: We will be. When the two subdivisions that we have an agreement with build out, we will be there.

Attorney Morrison: Alright. And then there may be some other subdivisions that have gotten partial approvals. Are you familiar with any of those?

Chuck Jones: There's one potentially.

Attorney Morrison: Yeah, okay. Alright. And you understand the concept of property values, vested rights?

Chuck Jones: Yes, sir.

Attorney Morrison: Okay and we're going to honor those, correct?

Chuck Jones: Yes, sir.

Attorney Morrison: Alright. Now as to the remedy, you heard the manager. Do you agree with her about what needs to be done?

Chuck Jones: Yes, sir.

Attorney Morrison: Do you support the moratorium?

Chuck Jones: Yes, sir.

Attorney Morrison: Alright now let's see if you can give us a little more detail. What kind of new facilities do we need build?

Chuck Jones: So on the water side, the water plant technically could put out 1.4 million gallons a day. But we have nowhere to put that water.

Attorney Morrison: What do you mean you don't have any place to put it?

Chuck Jones: We don't have enough storage. We only have two elevated storage tanks and one half-million clear well at the water plant. So right now we rely on system demand to take any excess water. Then we shut the plant down. But we could potentially run that plant 24 hours a day and put out 1.4 million gallons. But that's not where we really want to be because that gives us no redundancy.

Attorney Morrison: Explain that to us. You're using two-syllable words now. Don't forget you're in Camden. What do you mean by redundancy?

Chuck Jones: Well see if there was a failure at the plant, knock on wood, we would be down with no way to treat water until we repaired the plant. Right now we have two treatment trains we alternate. One can run while the other one is being serviced.

Attorney Morrison: So is that cause for the new facility then that you and the Manager are talking about?

Chuck Jones: One the water side, yes sir, the expansion of the water plant.

Attorney Morrison: Do we have any land to put that on?

Chuck Jones: Yes, sir.

Attorney Morrison: Okay. What else do we have to acquire and build?

Chuck Jones: On the waste water side we really need to build a whole new waste water plan on the north end of the County.

Attorney Morrison: Why is that?

Chuck Jones: Because the plant that's there is a small package plant. There's really no room to expand and it was built to spray the treated effluent on trees and we don't have enough land available to treat a million gallons a day is what we're potentially looking at with the growth.

Attorney Morrison: Well what are we going to do with it if we're not going to spray?

Chuck Jones: So that's the part of the problem. The state has changed the rules to allow discharge into swampy waters and that's what we're trying to pursue; is a discharge into the northern end of the Pasquotank River.

Manager Burke: I have to clarify; the discharge of treated.

Chuck Jones: Treated effluent, yes; treated waste water. Yeah we don't put raw in the river.

Attorney Morrison: Well what happens if we don't get that state permit?

Chuck Jones: There's alternatives but they're not...one of them is a system called a high rate sand filter, which is similar to what we have down here in the middle of the County. But they still take a lot of land and the condition of the soil and the water table height really affects these rapid sand filters.

Attorney Morrison: Would we have to acquire additional land for rapid sand filters?

Chuck Jones: We're not sure. The engineer, I've directed them to do a multiprong approach and they're investigating how much land would actually be required to do high rate filters.

Attorney Morrison: Okay. Any other alternatives?

Chuck Jones: We could try to acquire land from our neighbors in the spray field now to increase the size of the field.

Attorney Morrison: Alright if we ran the treated effluent into the Pasquotank River, we would have to acquire easements, would we not?

Chuck Jones: That's correct.

Attorney Morrison: Okay. Again, we have to purchase that or condemn or whatever we'd have to do...I know that's an ugly word. For the public, the Commissioners have made no decisions about condemning anybody's property. But there are a lot of unpleasant options that could arise.

Chuck Jones: Yes, sir. There's a lot of ifs with all of this.

Attorney Morrison: Alright. You've discussed the waste water and the water, is there anything else you wish to add about what it is we need to do and how long it will take to get it done?

Chuck Jones: No, not as far as the utility side.

Attorney Morrison: Okay. What about any other side?

Chuck Jones: Well we need a larger trash convenience site in South Mills.

Attorney Morrison: That was a cheap shot. Okay. Now do you agree with the Manager's statement that personal wells are not a good idea?

Chuck Jones: The problem with wells, and anybody that lives up there farther north will tell you they can get water but the quality is not what you really would want.

Attorney Morrison: What do you mean by that?

Chuck Jones: It's a lot of iron, a lot of sulfur. It has a rotten egg smell. I know people that have wells and they have to pay for a filter; a complicated filter to treat it. Or they just let it eat up their water heaters.

Attorney Morrison: Now in order to put it in a septic permit, there's a whole process that an individual property owner would have to go through.

Chuck Jones: Through the health department.

Attorney Morrison: The health department, yeah. What about a subdivision owned and maintained water and sewer system?

Chuck Jones: Well the problem with a lot of the on-site septic systems, a lot of soils even in that part of the County are marginal. They might need some form of advanced treatment. An advanced treatment system right now at a residence is \$30,000 installed. Or some form a pump system, which is a little less. But it also requires an operator. The problem with the neighborhood or subdivision treatment plants is if you build it, if you give it to the County, then we now would have five or six little waste water plants dotted around the County that we would have to go take care of.

Attorney Morrison: Would the County be required to take those on?

Chuck Jones: No, sir. The private company can operate it.

Attorney Morrison: So it'd be up to the commissioners whether they'd want to accept that or not.

Chuck Jones: Yes, sir.

Attorney Morrison: Okay. Now we know locally that doesn't necessarily mean it would happen here but I think we should be aware of it. Locally there have been some of these private waste water treatment and water facilities crash, have they not?

Chuck Jones: Yes, sir.

Attorney Morrison: Most recently over in Currituck with Eagle Creek. How many homes were in there? Do you know?

Chuck Jones: No, sir. I do not.

Attorney Morrison: It's in the hundreds though isn't it?

Commissioner Krainiak: 600.

Attorney Morrison: 600. And they went without water and sewer for some significant period of time.

Chuck Jones: I know they had a lot of issues with it ponding.

Attorney Morrison: Again, that does not mean it would happen here but we're just aware of the problem. Alright now do you also agree with the manager that it will injure the health, safety and welfare of the County if we do not have this moratorium in your capacity as the Public Works Director?

Chuck Jones: It wouldn't be beneficial, the most optimal.

Attorney Morrison: Alright at this point I would turn Mr. Jones over to any questions from the commission. Okay.

Commissioner Aydlett: Do we need any additional wells?

Chuck Jones: We will. Just on the water side, one of the criteria for running a water plant extended periods of time is to allow the wells to rest. We're only supposed to run each well for twelve hours. It has to rest for twelve hours to recharge. That's why we're building the well set we're building now and we're exploring building another set of wells. Even if we didn't grow we still would need the wells for resting.

Attorney Morrison: Alright, any other questions?

Vice Chair Leary: I have one question. If there is a private entity that comes in and does their own sewage, if that fails, who's responsible for taking care of the problem?

Chuck Jones: The owner. If there's an onsite subdivision waste water plant, they answer to the state just like we do. They fall under the state guidelines, the state regulation, the regulators from Washington or whatever regional office. They'd be inspected. They answer to the state just like we do.

Commissioner White: Chuck, how much does a well cost?

Chuck Jones: For us or for a homeowner?

Commissioner White: Us.

Chuck Jones: For us, we're looking at about \$1.8 million for both of those wells. For a homeowner it's \$10,000-\$12,000, maybe a little more.

Commissioner Krainiak: If you have an association and it failed, you said the owner is responsible for the failure...because this happened; the association falls apart, not collecting any money and they have problems with the system, where do they go and what do we do?

Chuck Jones: So usually the local government will step in and take care. It's what's happening in Currituck. It fell in local government's lap. But there's another community close by that has issues and the owner's limping along. So it depends. There's no really state regulation to say that the County has to take it over. But we probably would because they're our citizens.

Attorney Morrison: If I may, Mr. Chairman, my observations...and again it doesn't mean it would happen here. What happens is these facilities can be very, very good but very expensive to maintain. They are subject to regulation by the North Carolina Utilities Commission, which interestingly enough, South Mills Water Association never was. They got an exemption somehow. They have to maintain an operator. It would be an expense to the homeowner's association though. What kind of operator would it have to be? It would have to be an onsite, fulltime?

Chuck Jones: No, sir. Depending upon the grade of the system, it would probably take somebody with the appropriate license to check it daily and then they would have an operator or a maintenance there to do the work.

Attorney Morrison: I assume there is some expense involved in having those people there.

Chuck Jones: Yes, sir.

Attorney Morrison: They have to be licenses and experienced.

Chuck Jones: At least one, yes sir.

Attorney Morrison: Okay.

Chuck Jones: Actually on waste water they would need two licensed people.

Attorney Morrison: Alright well let me ask you if this a theoretical possibility. The commissioners do not have to adopt this. But it seems to be what I have seen is if you have one of these private systems crash, the property values also crash. Would that be correct?

Chuck Jones: It could, yes sir.

Attorney Morrison: Okay, which would then lessen the tax base of the County. The County could have to step in and take it over because there's nobody else to take it over. If you have a system like this that crashes and the developer doesn't get it fixed, nobody goes to jail anything. The homeowners are just stuck.

Chuck Jones: Yes, sir you can go to jail. Yes, sir you can go to jail. There's seven things that a waste water plant operator can go to jail for. They're all willful. If you're found guilty of willful; not performing your duties, --- (32:40), intentional bypasses, things like that, you can go to jail. There's operators that go to jail all the time.

Attorney Morrison: That's comforting to know. You've educated me. But what I've seen happen is when...and I've only seen it twice, when these facilities get in trouble like in Currituck you had 600 houses or residences that did not have water and waste water, Currituck wasn't going to ignore that. They put out porta-potties and they furnished water daily for some considerable amount of time. Did they not?

Chuck Jones: Yes, sir. But one of the problems is, and people don't realize this, there's quite an expense in operating any type of treatment plant. And they'll put one in a subdivision with the expectation of the HOA operating the facility.

Attorney Morrison: And the developer is gone by this time.

Chuck Jones: The developer is gone. And then they start to see the cost associated with operating a treatment plant, things start to be let go; deferred maintenance, no maintenance, improper operating, cutting boilers off. It's expense to run, even a small one.

Attorney Morrison: Okay. Alright, I believe that's the only question I have. Now, Mr. Chairman, I think it would be appropriate if you have no more questions for Mr. Jones, if any members of the public in support of the moratorium would like to speak and then we should entertain those, and I believe we have some folks that have come a long way be given a generous amount of time to bring their matters to your attention.

Vice Chair Leary: Madam Clerk, do we have anyone in the public to speak for?

Board Clerk: We do have some signed up. However, I don't know speaking in opposition or support.

Vice Chair Leary: Do we have any for the moratorium that would like to speak? Could you please state your name and your address?

Public Comments

Melissa Linton: Melissa Linton, 131 Cool Breeze Place, South Mills. I'd like to thank you for at least considering tonight. I wish ya'll could have done this a couple years ago when it was first brought up but I think it's needed. It's pretty scary to sit here and hear that the County is going to run out of water if that's inevitable; to hear that it's a threat to the health, safety and welfare of the citizens of the County. That's not good to hear. To hear all these millions of dollars she's talking about that's not even going to touch it to expand what we need. As a taxpayer, that's pretty scary to me. I don't want to pay for it. You know it needs to be done. But if you do it, it's just a band-aid and you all need to get on the ball and you need to have that meeting that you've been promising us about for over a year now to redo the UDO. And until that gets done we're going to be right here spending ten more million, \$1.8 more million, however much more. And it didn't just sneak up. This whole didn't just sneak up since Mrs. Burke has been here. There's a whole lot of us that have seen this coming and we've been speaking and we've been begging and we've been asking for things to happen so that wouldn't get to this point. And people sitting in the seats that you all are in have allowed that to happen. And something needs to be done for us. These developers don't live here. It's not scary for them to say run out of water. They're going to have their money and they're going to be gone. That's on us. So thank you.

Attorney Morrison: Thank you for your comments, ma'am.

Board Clerk: If you signed up and you want to speak in support of the moratorium, feel free and just announce who you are.

Attorney Morrison: Before we go to the next speaker, I want to draw to your attention once more that it is improper and you may not grant a moratorium based on the fact that the UDO needs to be redone, okay. So do not take that into consideration. Your point may be well-taken ma'am, but just the law doesn't allow us to do that.

David Chick: Good evening. First of all I want to thank ya'll for your service. I appreciate it. I don't necessarily like everything that happens here but I envy you sitting in those chairs, either to be honest. My name is David Chick. I live at 129 Muddy Road. I just want to spend a brief second talking about the dream that we me and my wife had to move here to live in an agricultural area, to be away from development. I know we were cautioned not to say we're against it or whatever the case, but that wasn't the dream to come here. And I understand also hypocritical; where one farmhouse fell, I put my house there. But it was one for one. It wasn't one for 300 houses. So you know everything I go through in my life, I fight every day for us to have a place to stay that we call our home, be as self-sufficient as possible and not be overcrowded or overrun; sit in traffic and have people argue about there's not enough stoplights or there's not enough this, there's not enough that, this is unsafe, that's unsafe. That's all that comes with all the extra development. So I am against it. I just wanted to make that known. I guess that means that I'm for the moratorium, not really sure what. And then secondly, I just would like to bring the attorney has cautioned us, every meeting that I've been to, about what we can say up here and how it relates to you. I don't necessarily take it offensively but last meeting we were cautioned not to be repetitive; that if somebody said what we felt, we shouldn't come up here and speak. I do not like that. For one reason, as he was saying that at the beginning of the meeting I was chastising my own citizens 'cause there's 1200 people on Facebook pages that say they're against development, they're against everything that's going on, but as you can see there's nobody here. So if five of us say the same thing, then five of us need to say the same. And then the only other one that I took away that's kind of stuck with me, and again I don't envy your position, but the last meeting we had when they were here speaking about all the wonderful things they can do and they'll just give us all that, the word you used, Mr. Krainiak, you said, "I know a lot of people are against it but..." and quite frankly that has bothered me since you said it and it scares me because that's what ya'll are here; is for our purposes. So I don't...again, nothing personal. I don't know what was meant by it but it stuck with me and it's really been bothering me. That's all I want to say. But again, I respect all of ya'll for sitting in the chair because there's a lot of us that won't. And also there was a lot of competitors in the election that came knocking on my door to tell me how they can do a better job than ya'll. I have not seen one of those people in any of these meetings since. And that frightens me, as well. Appreciate your time and thanks for listening.

Commissioner Aydlett: Thank you, Mr. Chick.

Attorney Morrison: Thank you, sir. I certainly didn't mean my comments to chastise. The commissioners, in their discretion, can hear as many people as they want. Sometimes it just runs the meeting more efficiently. You were very eloquent in your comments and if everybody agrees with you, they applaud and the commissioners see it. But it's in the discretion of the commissioners. Also again, I bring to your attention that you cannot base your decision on the fact that you're just opposed to development. That may be a very good political...that's a legitimate issue to bring up, but not in this forum. And this is mandated by statute, sir, it's not something I'm making up.

David Chick: Yes, I understand.

Attorney Morrison: Okay.

Board Clerk: I have three others, so I'm thinking they might be speaking in opposition.

Vice Chair Leary: In opposition. Okay, alright. Well let's have the ones to speak now. Come forward, please.

Alex Rich: I'm not necessarily for or against. I just have some things I want to point out. My name is Alex Rich. I'm a property owner and a property taxpayer in Camden County. I own Rich Company Real Estate Firm. I focus just on commercial real estate and land but I also know that you need rooftops to sell the commercial property. So I'm hoping you can proceed with the moratorium in a manner that doesn't completely halt property transfers that aren't a significant part of the problem. And the County Manager already said that commercial property is not going to be included in this so that was my main concern. But I did want to point out that I've seen you know very little commercial in Camden in fifteen years of doing real estate. And the three Dollar General deals that I've done that everybody hates represent about half of you know what I've seen in total for commercial deals. So you know we're in negotiations with a new commercial user in South Mills, which if they had to buy a 10-acre lot instead of a 5-acre the deal might not go through and I know I read in your minutes of your meeting that commercial users make up 3% of the total; water tap users and the average commercial use is 6% of the average residential use, and obviously sewer usage is related to water usage. So I just wanted to point out that commercial growth is not the culprit here. And I'd also like to see the existing commercial property that has been zoned and subdivided already in the Courthouse's sewer district, like the eight acres over there behind Hardee's I have, be protected and remain allowed to connect to sewer whether the buyer wants to put a shopping center there or multifamily, you know so long as they don't have to subdivide. And it's also my opinion that if a property is not currently served by sewer and there's no plans to ever... 'cause I mean what does the sewer lines, touch 10% of the County, something like that? I mean 90% of the County is not you know under a plan to be served by sewer as far as just acreage goes based on my understanding. So if you never have plans to serve a piece of property, you know some guy in Shiloh or wherever it is, why would you restrict you know 90% of property owners that are never going to get sewer anyway from subdividing their property if they're never going to

be part of the problem or never be offered sewer? So I'm thinking it would make more sense to focus on the areas that you are able to give people sewer as opposed to taking a guy's property rights when you're never going to give him sewer and he's never going to contribute to the problem. That's all I have. Thank you guys for your time.

Vice Chair Leary: Thank you.

Board Clerk: Jonathan Moore.

Jonathan Moore: Well good evening, my name is Jonathan Moore. My address is 109 North Banks Drive in Elizabeth City. Much like some others have said, I do want to thank you all for your service because this is a very tough and a very big decision to make. I represent the Albemarle Area Association of Realtors as their Legislative Chair and their Political Action Committee Chair for 2024 and have done so since I was President in 2022. I stand up here, much like this gentleman just said, and I'll mention it real quickly because while I'm not going to be in support of this moratorium, we all do move to this area if we're not from here for the same reason of acreage and a slower life. I grew up in Hampton Roads and said I'd never go back and I'm here. But what I do want to mention is a couple of things that I would like to just point out for you all to take into consideration. First of all, I wanted to lay down a couple of facts about property value in Camden. Since September of 2016, and this was just a data point that I could go back to easy enough just to see the rise in property value, Camden in September of 2016 averaged a property sold amount at \$222,000. Just last month that value was not at \$344,000. I have this entire sheet where you all can certainly hold onto this if you'd like. I'm going to leave that there. We also have a program through the National Association of Realtors that takes it out two weeks and we can plug in the information of this study at no cost to the County and we can look at some ways and some potential impacts that this may have on housing affordability and value. Developers come in here, they have the ability to do fun things and just like Mr. Rich, one of my colleagues that I work with quite often said, many of these developments that are going to come up will not even see sewage. Some will, some will not. But it makes no sense, I believe, to put a moratorium on all subdivisions when that is the case. On the moratorium, I do have a question on that. Let's say we have an available property and a family wants to subdivide it into their two kids' names. Is that also going to be restricted? Do we know?

Manager Burke: That would qualify as a residential subdivision and would fall under the moratorium.

Jonathan Moore: So it would fall under the moratorium.

Manager Burke: Yes, sir.

Jonathan Moore: Right now we have a big problem in this area with attracting our kids to come back. I see it as a young professional. There are some that are coming back, thanks to the improvements that are going on, but that is something that we struggle with. And many of these kids that are graduating college cannot afford to live here as it is. I would just take into consideration some of the housing and pricing availability and affordability that you're going to see by restricting this value. I also live in a subdivision and right next to the original farmhouse that was subdivided, and this is of course is Elizabeth City but it's just still an example nonetheless. And I understand subdividing has a lot of...people are going to look at it very difficultly and things like that and understand that, but I live on North Banks Road and the Banks live right beside me in their early 1900's farmhouse. You all may know him. And he has said to me that subdividing his property saved him and has enabled him to continue to produce the livestock that he has. He also has three 10-acre parcels at the back that his kids have been able to enjoy the land along with being able to sell smaller lots to people to save his agriculture business. I worked in the agriculture industry for six years. I understand the importance of land, I understand the importance of agriculture, especially in Camden and Pasquotank. I just would urge you to think about the affordability that people are going to seek as your residents are looking to bring their family down. I've had four of my closest friends move to the 252 since I had moved here in 2018 because of what it is and they have been able to do that buy purchasing in subdivisions 'cause that's what's been affordable. So I just hope you take that into consideration. Think about it. As the realtor association that serves Camden, along with the seven other surrounding counties, we are here to help you. I can provide you with a ton of data and I would be more than willing to work with you all and we would, as well. Thank you.

Vice Chair Leary: Thank you.

Board Clerk: Jamie Schwedler.

Jamie Schwedler: So there are three of us tonight but can they concede their time to me and put our time limit as for nine minutes?

Attorney Morrison: Certainly. If you need more time it would be at the discretion of the Chair to allow that and I'm sure he would accommodate.

Jamie Schwedler: Thank you. Good evening Chair and members of the commission. I am Jamie Schwedler with Parker Poe. I represent an applicant in the County who was recently denied a rezoning and has property interests in both South Mills Landing and the Wharf's Landing Preliminary Plat Phase II that are pending before the County, as well as other land ownerships, who's a property owner just like all of the people here. And I'm here to oppose the moratorium because moratoriums are an extreme remedy disfavored by the law of North Carolina and they should only be adopted after thorough and proper investigation has been conducted and Camden County has failed to provide the constitutionally-required protections that protect property rights the people of this County and this state are entitled to and I'm going to briefly describe why.

The first is a procedural due process that we had. I was told tonight that we were going to have a quasi-judicial hearing and that I'd be questioning witnesses that were testifying under oath. I was told just before the meeting began that that wasn't going to happen; that this was going to be legislative. So we're going to have to reconfigure what we're here to talk about today but I've luckily got plenty of material because I was able to read the Planning memo that was before you in the agenda packet that's already part of the record and all of the bases that both Mrs. Burke and Mr. Jones provided as bases for the moratorium. They've both got their credentials, I'm not going to argue with that. But I will argue with the fact that the constitutional requirements for a moratorium are specific. The statutory requirements for a moratorium are specific. And not enough investigation, research and diligence has been done to not only enact a moratorium but to enact a moratorium of thirty months. That's unheard of in North Carolina. There's not a single other county in all the 99 counties in North Carolina that's even attempted such a thing. In Durham, closer to where I live, much more urbanized area; much more populated area, they think about things in terms of six months and then they revisit it because that's what the statute contemplates. The statute contemplates six-month increments and then if you need to extend based on research, based on calculations that are not before you tonight, then you entertain that. The statute is specific. In section (e), the limit on renewal or extension – "No moratorium may be subsequently renewed or extended for any additional period unless the local government has taken all reasonable and feasible steps proposed to be taken..." and it goes through the proof, and that's 160D-107(e). It contemplates that you look at this with the data that's before you. You don't look at this with a proposed schedule that may come before you in October and you don't have a schedule now. Well then don't enact the moratorium now. Wait until you have the data, wait until you have it in front you. Do all of the homework and research that's required by the statute to protect the property rights, to protect the constitutional rights of the property owners in this County and then come back and revisit it.

I'd like to just hit five points that were made tonight that I don't think...specifically do not satisfy the statute. First, the requirement in 160D-107(d)(1) where the County is required to identify the problem. The problem is stated in the agenda packet, page one, as the pace of nonresidential developments...excuse me, the pace of residential development, giving an assumption that residential developments operate at a quicker pace and take up more capacity. No data to back that up. There's some data in the back of the report that Mr. Jones performed but there's no comparison to any other type of land use. So we don't know how much commercial takes up. That was apparently never studied. We also don't know why...we've heard some testimony from three different people, including the County attorney, that the sole example of concerns on going on septic and well is from the neighboring county in Currituck County. That was because of one bad actor, Envirolink. And I'm not here to say that they weren't a bad actor, they were. But you can't take one example from one subdivision and then impose a thirty-month moratorium based on assumptions that that could happen here. You need to do your research, do your homework and look at all the other instances, all the other permits that have been accepted and issued by DEQ, by the NCUC who does regulate private septic and wells and has enforcements, including criminal penalties that Mr. Jones talked about. They're not of course impossible to issue. Appreciate the recognition in vested rights. I'd like to confirm that South Mills Landing is included in that project and will not be part of that moratorium.

Attorney Morrison: That is correct.

Manager Burke: That is correct.

Jamie Schwedler: I'd also like to confirm that because the statute has an exemption for Wharf's Landing, because that plat was accepted and has been pending since July of 2023, that is also exempt from the moratorium.

Attorney Morrison: If the application was completed and submitted, that would be correct.

Jamie Schwedler: Is that correct, Mrs. Burke?

Manager Burke: Yes.

Jamie Schwedler: Thank you. As for the duration, we talked earlier about the statute contemplates that you would terminate...only for a limited amount of time it could be extended; not that the concept in the Planning memorandum says that it would be thirty months and it could be terminated earlier. That is not what the statute contemplates. That's not what any other county does and there's no evidence in this record if anyone at the County has even inquired of the School of

Government; of another county; if anyone else is in the same issue to find out if that duration seems reasonable. And would tell you now, that a court would not find that reasonable. There's no evidence to support it. So that's the problem and that's the duration.

As to alternatives, Mr. Jones' report goes through eight alternatives; with do nothing, denying public service, start a massive increase and pass bonds, pursue public/private money for expansion. None of these have any type of analysis in the memo, nor was there any discussion of that tonight. While I understand that development can seem like developers are just getting money and walking away and that's an understandable perception from the public, what was before you earlier this month was an offer for wells; was an offer to extend your sewer and your water in the Crouse Development. And that was denied. It's not even considered as would we entertain some way for private developers to participate in this and help alleviate the problem that you have. That offer was there and it's not in the analysis.

There's also discussion of why small treatment plants are ineffective and I understand that Mr. Jones has a great deal of expertise, but there's no discussion of whether the County hired an exterior expert; talk to any other counties; talked to any other stormwater engineers aside from Currituck and this one example of what should occur here. So I'd submit that the alternatives have not been fully vetted. There's no adequate explanation as why they went the adequate alternatives and you failed to meet the statute on that ground, as well as the scope.

There's a lot of mention of residential developments and vested rights will be recognized. There's no clear direction for me or for the public or the applicant as to which types of applications will be prohibited by this going forward. Appreciate the recognition for both Wharf's Landing and for South Mills Landing but the public deserves as to what's included and what's not. And we will honor the vested rights plan is not a sufficient explanation under the law.

Finally, as to the calculations in the packet, again we recognize Mr. Jones has a great deal of experience but there's no published allocation explanation. There's a lot of, "A big check was written." "How big is it?" "It's huge." What does that mean? How is a court supposed to determine whether that is reasonable and is justified to take property away from a property owner for over thirty months and deny the reasonable use of the land on the basis of a big check that has to come due. How many of those permits are actually applied for and moving forward? How many of them have a building permit? How many are just sitting at construction? And how many are just platted and never going forward? And so when we talk about allocations and we talk about how we're allocating this and what we've already promised away, and there's a word in the staff report and doesn't really...is not really recognized by law. Yes, there are contractual obligations; yes, there are vested rights that prevent the taking of property without due process. But that requires in this instance is an allocation and calculations as to how that allocation is being made so we know exactly how close we are and exactly how reasonable this is. Not here to deny that there's an issue with the water and sewer. I think the manager and your stormwater professional did a great explaining what the problem is. It's just not sufficient under the law and a court would not find this constitutional and meeting the requirement, the stringent requirements that are required with the taking of real property in the County of Camden. For those reasons, we object to the moratorium and hope you reconsider the specificity, the length and duration, the scope and that you would wait and put this off until you have an actual schedule. A schedule is required to be published; a schedule is required to be tied to the actions you take. And the County Manager has testified that there is no schedule because that's part of the scope that will be forthcoming. Wait for that schedule, wait for the action items to be more vetted and take action if the bases still exist in October. Thank you.

Attorney Morrison: Thank you. Mr. Chair, may I make a comment? Thank you very much for your presentation. Do you have any case authority you would like me to take a look at as to the lack of factual bases established by the County?

Jamie Schwedler: Sure. In Ashe County vs. Ashe County Planning Board 284 N.C. App. 563, a 2022 case. A moratorium was upheld only in scope and duration for six months. That was based out of Ashe County. And the court will look at the reasonableness of the actions and what's been investigated and kind of balance that against...

Attorney Morrison: Yes, I'm familiar with the Ashe County case. We have discussed the length of the moratorium. I would agree, it will probably be the longest moratorium out there. We have, for your comfort level, which I guess may not be too important, but we have been in touch with the School of Government; the Manager in particular. And we've gotten memorandum from Professor Owens. I'm sure you're familiar with him and his work and we've tried to abide by that. I take very seriously, as I know the commissioners do, private property rights and the exemptions are set forth in the statute and we will follow those, including the choice of law rule, the amended statute. We value private property rights. Some of the commissioners, and obviously I'm not making a recommendation one way or the other, feel like this needed to be looked into it based upon what we were being told. If you have an example of a checklist of statistics and facts that need to satisfy the constitutional requirement, I would be very pleased to look at that. I don't consider myself to be the legal Socrates of the Dismal Swamp. I am familiar with the Ashe County case and some others and United States Supreme Court has held in some instances a 30-year moratorium, which did not amount to take based upon...that was out in the west. But I'm very interested if you've got a specific case that we need to comply that you say we haven't...Ashe County says you've got to be

reasonable. You and I make a lot of money off debating what is reasonable and is not reasonable. That'd be up to a court to find. But I think you made an excellent presentation. We take it seriously. We do not look upon you as the enemy.

Jamie Schwedler: I appreciate that. And we don't, as well. There are two other cases I'd just like to point out; were the Sandy Mush properties and then PNE AOA Media. Both of those dealt with moratorium for 120 days and 60 days. They are not from the Supreme Court but they are from North Carolina and the Court of Appeals.

Attorney Morrison: Did they specifically address the facts that you raised, which are certainly relevant, that the commissioners do not have before them appropriate information to make a decision; that's a constitutional violation?

Jamie Schwedler: I'm not aware of a case that is on point with these facts.

Attorney Morrison: I know it's an excellent argument. I didn't see such a case. Alright, thank you very much.

Jamie Schwedler: Thank you.

Attorney Morrison: I have to apologize to Ms. Abbott. I returned her phone call and I called her 'he'.

Vice Chair Leary: Well commissioners, tonight we have a very important decision to make. On one hand we're going to have to protect the landowners' rights and on the other we have the responsibility of protecting the wellbeing and safety of our citizens.

Motion to close the Public Hearing.

RESULT:	PASSED [4-0]
MOVER:	Sissy Aydlett
AYES:	Troy Leary, Randy Krainiak, Tiffney White, Sissy Aydlett
ABSENT:	Ross Munro

Motion for a 10-minute recess to confer with the County Attorney.

RESULT:	PASSED [4-0]
MOVER:	Troy Leary
AYES:	Troy Leary, Randy Krainiak, Tiffney White, Sissy Aydlett
ABSENT:	Ross Munro

The recess was extended to thirty minutes.

Vice Chair Leary reconvened the Board of Commissioners at 8:00 PM.

The following motion was offered by Commissioner White:

Effectively immediately, in accord with NCGS 160D-107, Camden County declares a temporary moratorium on development approval for any and all subdivisions for a residential purpose and multifamily use as defined by the Camden County Unified Development Ordinance.

The moratorium shall exist for thirty (30) consecutive months, terminating on December 25, 2026, unless the reason for the moratoria, hereinafter stated, is resolved. All statutory exemptions shall be recognized.

In support of this ordinance the County has conducted a duly advertised public hearing and simultaneously with adoption makes the following required statements:

A statement of the problems or conditions necessitating the moratorium and what courses of action, alternative to a moratorium, were considered by the local government and why those alternative courses of action were not deemed adequate.

According to a March 2024 review of current water & waste water usage and projected allocations for vested developments, the ability to provide adequate water & waste water services will be quickly outpaced by the construction of new residential properties. Given the condition of lands in Camden County according to the Albemarle Regional Health System, the use of traditional septic systems are difficult to permit. Additionally, septic systems have proven to be a health and safety concern

when they are not maintained properly and fail. The use of central sewer protects the health, safety, and welfare of current and future residents. Additional production capacity at the water plant will be needed, as well. Built-in capacity can be created with the construction of clear well storage, but the water plant will need to increase production to keep up with future demands. The County is obligated to provide services to vested properties and needs time to construct adequate facilities before considering additional users. We also considered on-site waste water treatment plants and run the risk of not being maintained properly.

A statement of the development approvals subject to the moratorium and how a moratorium on those approvals will address the problems or conditions leading to imposition of the moratorium.

All residential subdivisions and multifamily units. This will cease the demand of water and sewer.

A date for termination of the moratorium and a statement setting forth why that duration is reasonably necessary to address the problems or conditions leading to imposition of the moratorium.

Thirty (30) months from the date of approval, noting that it could be rescinded earlier should conditions allow. This date until December 25, 2026. This time is reasonably necessary to acquire land, wells, engineering, financing and construction.

A statement of the actions, and the schedule for those actions, proposed to be taken by the local government during the duration of the moratorium to address the problems or conditions leading to imposition of the moratorium.

The County has invested substantial funding in preparing documents for the construction of a new waste water treatment plant. The plans were developed using Rural Ready grant funds, and are at 65% completion. The remainder of the engineering is contingent upon the location of a new plant and the method of disposal. The Board of Commissioners approved a contract at their May 6, 2024 meeting to outline the entire permitting, design, and construction process and provide an estimate of overall project cost and schedule. In the deliverables for this contract, the County will receive a breakdown of all permitting, design, construction, and owner responsibility. This breakdown will be an estimate as not all steps and costs can be predicted. The County has identified the need for “South Mills Waste Water Expansion and Disposal (Plant)” in the Capital Improvement Plan (CIP) for a number of years, and in the 2024-2029 CIP moved it from the Unfunded to Funded category. At the March 19, 2024 meeting staff were instructed to begin the investigatory process for the construction of clear well storage at the water plant. This will need to include design, bid and construction and would likely take two to two-and-a-half years. In recent conversations with the State, the permit process could take up to two (2) years to actively pursue a permit from the State. Construction and materials are dependent upon the permit. The County has a good faith estimate that the construction will take six (6 months) or more.

RESULT:	PASSED [3-1]
MOVER:	Tiffney White
AYES:	Troy Leary, Tiffney White, Sissy Aydlett
NAYS:	Randy Krainiak
ABSENT:	Ross Munro

Motion to adjourn.

RESULT:	PASSED [4-0]
MOVER:	Troy Leary
AYES:	Troy Leary, Randy Krainiak, Tiffney White, Sissy Aydlett
ABSENT:	Ross Munro

There being no further matters for discussion Vice Chair Leary adjourned the meeting at 8:12 PM.