

**REGULAR SESSION OF THE PAMLICO COUNTY BOARD OF
COMMISSIONERS
MONDAY AUGUST 3, 2009**

The Pamlico County Board of Commissioners met in regular session on Monday August 3, 2009 at 7:00 p.m. in the Patsy H. Sadler Room of the Pamlico County Courthouse. All Commissioners were present. Also present were Attorney Kyle Dickerson, County Manager Tim Buck and Clerk to the Board Kathy P. Cayton.

Chairman Paul Delamar called the meeting to order.

Reverend Grady Simpson delivered the invocation and Chairman Paul Delamar led the assemblage in the Pledge of Allegiance.

Chairman Paul Delamar called for corrections, additions and/or deletions to the July 20, 2009 regular and closed session minutes and the amended June 15, 2009 closed session minutes. There being none on a motion made by Commissioner Ann Holton and seconded by Commissioner Kenny Heath, the following resolution was unanimously approved.

BE IT RESOLVED, the July 20, 2009 regular and closed session minutes and the amended June 15, 2009 closed session minutes are hereby approved and the Chairman's signature is authorized thereon.

There were no additions and/or deletions to the agenda.

Chairman Paul Delamar recognized Mr. Steve Woodson, General Counsel with Farm Bureau Association and a member of the Voluntary Agricultural District Task Force. Mr. Woodson helps counties with the drafting and approval of the Voluntary Agricultural Districts. Between 2002 and 2007, North Carolina has lost 600,000 acres of farmland, an amount equivalent in size to Sampson County. In addition, thousands of acres of forest have been converted to development. The purpose of this program ordinance is to promote the general welfare of the county and more specifically, increase identity and pride in the agricultural community and its way of life. Chairman Paul Delamar asked if there were any members of the public who would like to speak. There were two (2) citizens in attendance and one (1) comment in writing.

1. Owen Peele – in favor of the Voluntary Agricultural District.
2. Herb Fritze – in favor of the Voluntary Agricultural District.
3. Al Herlands – (by written correspondence) against the Voluntary Agricultural District.

With no other members of the public to speak Chairman Delamar declared the public hearing closed. On a motion made by Commissioner Jimmy Spain and seconded by Commissioner Ann Holton, the ordinance did not pass due to lack of a unanimous vote. Commissioner Christine Mele cast a dissenting vote.

G.S. 153A-45. states that in order for ordinances to be adopted at the meeting at which it is first introduced, an ordinance or any action having the effect of an ordinance (except the budget ordinance, any bond order, or any other ordinance on which a public hearing must be held before the ordinance may be adopted) must receive the approval of all the members of the board of commissioners. If the ordinance is approved by a majority of those voting but not by all the members of the board, or if the ordinance is not voted on at that meeting, it shall be considered at the next regular meeting of the board. If it then or at any time thereafter within 100 days of its introduction receives a majority of the votes cast, a quorum being present, the ordinance is adopted. (1963, c. 1060, ss. 1, 1 1/2; 1965, cc. 388, 567, 1083, 1158; 1967, c. 495, s. 2; 1969, c. 36, s. 1; 1971, c. 702, ss. 1-3; 1973, c. 822, s. 1.)

Chairman Paul Delamar requested the Voluntary Agricultural District Ordinance be place on the August 17, 2009 agenda.

There were no members of the public to speak during Public Comment Period.

The Board then turned their attention to the Consent Agenda. Commission Carl Ollison requested one item be pulled from the consent agenda for comment.

On a motion made by Commissioner Roy Brinson and seconded by Commissioner Jimmy Spain, the following resolutions were unanimously approved.

BE IT RESOLVED, the 2010 Rural Operating Assistance Program Grant is hereby approved.

BE IT RESOLVED, the following Budget Amendments are hereby approved.

The original budget is being revised with this Budget Revision. A Budget Amendment will revise the total dollar amount, either increase or decrease, of the original Budget Ordinance. A Line Item Transfer will revise the dollar amounts allocated between different programs in a department with more than one budget code or different line items within a single department code but will not increase or decrease the Budget Ordinance.

(R)= REVENUES (E)=EXPENDITURES FISCAL YEAR 2009-2010

| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | AMOUNT (+) INCREASED | AMOUNT (-) DECREASED |
|----------------|------------------------------------|-------------------------|-------------------------|
| 10 6120 555000 | Capital Outlay - Recreation | 23,653.00 | |
| 10 0000 439900 | General Fund – Fund Balance Approp | 23,653.00 | |

Reason for Budget Revision: board approval for restroom renovations Alliance Ballpark, Duffy Construction

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| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | AMOUNT (+) INCREASED | AMOUNT (-) DECREASED |
|----------------|------------------------------------|-------------------------|-------------------------|
| 10 6120 555000 | Capital Outlay - Recreation | 119,900.00 | |
| 10 0000 439900 | General Fund – Fund Balance Approp | 119,900.00 | |

Reason for Budget Revision: board approval for construction of ballfields, John Hardy Construction

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| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | AMOUNT (+) INCREASED | AMOUNT (-) DECREASED |
|----------------|------------------------------------|-------------------------|-------------------------|
| 10 6120 555000 | Capital Outlay - Recreation | 25,500.00 | |
| 10 0000 439900 | General Fund – Fund Balance Approp | 25,500.00 | |

Reason for Budget Revision: board approval for electric at ballfields, Ronnie Ireland Electric

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|---------------------------------------|----------------------------------|---------------------------------|---------------------------------|
| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | AMOUNT (+) INCREASED | AMOUNT (-) DECREASED |
| 30 7140 512100 | Salaries – Water/Field Ops | 33,000.00 | |
| 30 0000 439900 | Water Fund – Fund Balance Approp | 33,000.00 | |

Reason for Budget Revision: board approval job reclassification & salary increases in field operations of Water Dept

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|---------------------------------------|----------------------------------|---------------------------------|---------------------------------|
| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | AMOUNT (+) INCREASED | AMOUNT (-) DECREASED |
| 10 6120 535300 | R&M Auto - Recreation | 2,000.00 | |
| 10 6120 519900 | Contracted Services – Recreation | | 1,000.00 |
| 10 6120 549802 | Pop Warner – Recreation | | 1,000.00 |

Reason for Budget Revision: board approval for engine repairs, Aurora Body Shop (total cost \$3,115.00)

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|---------------------------------------|-----------------------------|---------------------------------|---------------------------------|
| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | AMOUNT (+) INCREASED | AMOUNT (-) DECREASED |
| 10 5168 522000 | WIC – Food & Provisions | 300.00 | |
| 10 5168 529000 | WIC – Departmental Supplies | 700.00 | |
| 10 0211 435162 | WIC – Nutrition revenue | 1,000.00 | |

Reason for Budget Revision: Health Dept one time initiative award for new WIC food package implementation

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|--------------------------------|----------------------------------------|-----------------------|----------------------|
| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | AMOUNT (+) INCREASED | AMOUNT (-) DECREASED |
| 47 4325 519900 | E911 – Contracted Services | | 3,500.00 |
| 10 4330 519900 | Emergency Mngmnt - Contracted Services | 3,500.00 | |

Reason for Budget Revision: increase Emergency Management budget for street signs, E911 funds no longer cover this cost.

BE IT RESOLVED, the Tax collector’s Report for the month of June is hereby approved.

BE IT RESOLVED, the following tax reliefs and releases are hereby approved.

| Name | Year | Tax/Ticket | Reason | Amount |
|-------------------|-------|-------------|--------------------------|------------|
| Cameron, Ray | 2008 | 18413/10015 | Boat was sold in 07 | \$1,237.41 |
| Hairsworth, Alton | 06-08 | 8794/5588 | Appiasal error | \$ 677.78 |
| Qualex, Inc. | 2008 | 18971/12403 | Equipment doubled listed | \$ 169.41 |
| Brinson, Jonathan | 2009 | 22999/9655 | Refund for overpayment | \$ 963.85 |

BE IT RESOLVED, the Eastern Carolina Council Area Agency on Aging for FY 2009-2010 Title III-D Health Promotion Grant is hereby approved. Total amount being \$2,409.

On a motion made by Commissioner Kenny Heath and seconded by Commissioner Carl Ollison, the Board **agreed to table** the request from Tax Administrator Kathy Tyndall to submit properties with delinquent taxes to County Attorney to being foreclosure process until the September 8, 2009 meeting.

On a motion made by Commissioner Ann Holton and seconded by Commissioner Kenny Heath, the following resolution was unanimously approved.

BE IT RESOLVED, that Commissioner Jimmy Spain is hereby recused from voting on the Recreation Director’s request for a mower engine replaced due possible conflict of interest.

A motion was made by Commissioner Carl Ollison to approve the Gravely XDZ 27 hp for \$6,467.00 but, died for lack of a second.

On a motion made by Commissioner Roy Brinson and seconded by Commissioner Ann Holton, the following resolution was unanimously approved.

BE IT RESOLVED, the replacement engine for the Recreation Department's 25 horsepower Bobcat Mower at the cost of \$2,451.63 is hereby approved.

On a motion made by Commissioner Jimmy Spain and seconded by Commissioner Roy Brinson, the following resolution was unanimously approved.

BE IT RESOLVED, a Public Hearing will be held on August 17, 2009 at 7:00 p.m. to change the Road Renaming Fee in the Road Naming Ordinance from \$25.00 to \$60.00.

No action was taken on the request to make appointments to the Western Bay River Board.

On a motion made by Commissioner Carl Ollison and seconded by Commissioner Roy Brinson, the Board went into closed session in accordance with G.S. 143.318.(a) 3 client attorney privilege for an update on Bay Harbor and G.S. 143.318.11(a) 6 to discuss a personnel issue.

On a motion made by Commissioner Ann Holton and seconded by Commissioner Christine Mele, the Board went back into open session.

No action was taken in closed session.

There being no further business on a motion made by Commissioner Roy Brinson and seconded by Commissioner Jimmy Spain, the Board adjourned until Monday August 17, 2009

Chairman

Clerk to the Board