

**REGULAR SESSION OF THE PAMLICO COUNTY BOARD OF
COMMISSIONERS
MONDAY AUGUST 2, 2010**

The Pamlico County Board of Commissioners met in regular session on Monday, August 2, 2010 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, Finance Officer Mary Jane Westphal and Clerk to the Board Kathy P. Cayton.

Chairman Paul Delamar called the meeting to order. Reverend Grady Simpson gave the invocation and Chairman Delamar led the assemblage in the Pledge of Allegiance.

Chairman Paul Delamar asked if there were any additions and/or deletions to the regular and closed session minutes of the July 19, 2010 meeting. There were none.

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

BE IT RESOLVED, the regular and closed session minutes of the July 19, 2010 meeting is hereby approved and the Chairman's signature is authorized thereon.

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

BE IT RESOLVED, the following closed session minutes of the July 19, 2010 meeting are hereby unsealed.

**“UNSEALED”
CLOSED SESSION OF THE PAMLICO COUNTY BOARD OF
COMMISSIONERS
MONDAY JULY 19, 2010**

The Pamlico County Board of Commissioners met in closed session on July 19, 2010 in accordance with G. S. 143.318.11(a) 5 to discuss a personnel issue concerning hiring and initial salary. All Commissioners were present as were Attorney Jimmie Hicks, County Manager Tim Buck, Finance Officer Mary Jane Westphal, Sheriff Billy Sawyer, Jr., Attorney David Baxter, and Deputy Clerk to the Board Anita G. Owens.

Sheriff Billy Sawyer, Jr. has a qualified applicant to fill the open investigator position. Sheriff Sawyer requested to hire the applicant above the hire rate of

\$30,000 which is still less than the staff member being replaced at \$37,000. Sheriff Sawyer would like to use \$3,800 of the \$7,000 difference in salary to give raises to three other staff members who deserve merit raises. The additional \$3,200 of \$7,000 will be returned to the County.

The consensus of the Board was to allow the Sheriff to extend an initial salary offer not to exceed \$30,000.00.

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

Chairman Paul Delamar recognized Mr. Dennis Fornes for his years of service on the Pamlico County Planning Board. He served from December 1994 until July 2010. The Board Members thanked him for his service. Mr. Fornes said it had been his pleasure to serve and thanked the Board for the opportunity and privilege to do so.

Mr. Blaine Humphrey, Rivers and Associates came before the Board to update them on the Pressure Improvement Project and to discuss current financing options. Mr. Mark Garner and Finance Officer Ms. Mary Jane Westphal had reviewed the financial data and concluded that a minimum rate increase of 32 % and a maximum rate increase of 59% would be necessary to fund the project. It was recommended that the County pursue a bridge loan with a bank with permanent financing through the State Revolving Loan Fund.

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

BE IT RESOLVED, the Pamlico County Board of Commissioners gave direction to staff to proceed with the most favorable terms for the Minnesott Beach / Vandemere Water Improvements Project Financing.

Chairman Paul Delamar asked if there were any members of the public to speak during Public Comment Period. There were five (5) members of the public to speak.

1. Mr. Nick Santoro: Mr. Santoro informed Board Members that due to a re-interpretation of the Buffer Rules the North Carolina Division of Water Quality will no longer allow variances to be transferable with the sale of property, This decision was made since ten years have passed and any purchaser should be aware of the requirements of the Buffer Rules and will be expected to abide by them. This change is not the result in any legislative changed, but rather a new interpretation by legal staff. Mr. Santoro asked the Board to consider three (3) options in order of preference.

- a. Request the Buffer Rules be changed to exempt pre-existing, non-conforming lots from those rules.
- b. Request that existing variances be transferable with the transfer of ownership of the underlying property and be renewed unchanged by the property owner. Whoever that might be.
- c. Request the General Major Variance be retained beyond April of 2011.

Board Members asked that a resolution be presented to DENR and surrounding counties.

2. Mr. Joe Himbry: Mr. Himbry informed Board Members that his wife Ms. Vinnie Himbry is trying to open a mental health facility in Pamlico County and their first attempt has been denied. They were in attendance to request the Commissioners support the consolidation of ECBH and AMHC. They will be appealing their denial.
3. Mr. Marvin Bullock: Mr. Bullock requested the Board consider not opting out on House Bill 683 that extends certain development permits until December 2011.
4. Mayor Bill Sage signed up to speak, but withdrew his request.
5. Ms. Suzanne Gwaltney: Request the County not opt out on the House Bill 683.

The Board turned their attention to the Consent Agenda.

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

BE IT RESOLVED, that a public hearing will be held on August 16, 2010 regarding Rural Operating Assistance Program.

BE IT RESOLVED, the Memorandum of Agreement with Florence Whortonsville Fire Department for the paving of the driveway is hereby approved.

BE IT RESOLVED, the Senior Center 2010-1011 SHIP Grant and budget of \$2,874 is hereby approved.

BE IT RESOLVED, the \$5.00 fee for annual mailed subscription of the Senior Center Newsletter is hereby approved.

BE IT RESOLVED, the renewal of the Nursing and Case Management Contracts with Ms. Melissa and Ms. Diana Midgette is hereby approved is hereby approved. It is \$75.00 per evaluation plus mileage.

BE IT RESOLVED, the renewal of the Senior Center 2010-2011 contract with LongLife Home Care for Level III in home services and family caregiver support.

BE IT RESOLVED, the change order of \$5,500 for the CDBG project located at the 259 OLD Bay River Road is hereby approved.

BE IT RESOLVED, THE Annual Tax Collector Settlement and Ms. Kathy Tyndall, Tax Collector's charge with the 2010 Levy is hereby approved.

The Board then turned their attention to the Correspondence Agenda.

Mr. Russell Willis came before the Board with a request to expedite the purchase of a jail transport van. He informed Board Members that Randolph County has a van that is available as a loaner pending approval from their county attorney. The condition for lending the County the van would be that we maintain coverage under our insurance.

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

BE IT RESOLVED, the request to use the Randolph County jail transport van is hereby approved for a short term lease.

On a motion made by Commissioner Christine Mele and seconded by Commissioner Carl Ollison, the following resolution was passed by majority vote. Commissioner Jimmy Spain cast a dissenting vote.

BE IT RESOLVED, the request to immediately order a new van for jail transportation is hereby approved.

BE IT FURTHER RESOLVED, that a lease purchase plan is approved if applicable.

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

BE IT RESOLVED, the request for a waiver of the bid process for the E911 / CAD hardware and software, Jail / Sheriff Record's Management Software, and a recording system is hereby approved.

BE IT FURTHER RESOLVED, that County Manager Tim Buck is hereby authorized to sign the contract documents necessary for the purchase.

The Military Growth Task Force has requested Pamlico County send a letter of support for their effort to apply for the Sustainable Communities Planning Grant to assist in the implementation of the Regional Planning Partnership.

On a motion made by Commissioner Kenny Heath and seconded by Commissioner Carl Ollison, the following resolution was passed by majority vote. Commissioner Ann Holton cast a dissenting vote.

BE IT RESOLVED, the request from the Military Growth Task Force for a letter of support for their effort to apply for the Sustainable Communities Planning Grant to assist in the implementation of the Regional Planning Partnership is hereby approved.

As per Board practice, the request for a Board Appointee for Bay River Metropolitan Sewer District **was tabled** until the next Board meeting.

The request for an appointee to the Coastal Community Action Board **was tabled** until the next Board meeting.

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

BE IT RESOLVED, the request from Ms. Linda Potter, Senior Services Director to add nine (9) new people to the home delivered meals program is hereby approved.

A motion was made by Commissioner Ann Holton and seconded by Commissioner Kenny Heath, the request for direction on House Bill 683 pertaining to permit extensions and opting out provisions **was tabled** by majority vote. Commissioner Paul Delamar cast a dissenting vote.

On a motion made by Commissioner Christine Mele and seconded by Commissioner Ann Holton, the Board went into closed session in accordance with G.S. 143.318.11(a) 3 to discuss a personnel issue.

On a motion made by Commissioner Ann Holton and seconded by Commissioner Kenny Heath, 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 Ann Holton and seconded by Commissioner Jimmy Spain, the Board adjourned until August 16, 2010 at 7:00 p.m.

Chairman

Clerk to the Board