

**REGULAR SESSION OF THE PAMLICO COUNTY BOARD OF COMMISSIONERS
MONDAY AUGUST 5, 2013**

The Pamlico County Board of Commissioners met in regular session on Monday August 5, 2013 at 7:00 p.m. in the Patsy H. Sadler Room of the Pamlico County Courthouse. All Commissioners were present. Also present were Attorney Dave Baxter, County Manager Tim Buck, Finance Officer Mary Jane Westphal and Clerk to the Board Kathy P. Cayton.

Chairman Ann Holton called the meeting to order.

Commissioner Pat Prescott delivered the invocation and Commissioner Carl Ollison led the assemblage in the Pledge of Allegiance.

Chairman Ann Holton asked if there were any corrections, additions and/or deletions to the minutes of the July 15, 2013 regular session minutes and the July 1, 2013 closed session minutes. There being none on a motion made by Commissioner Paul Delamar and seconded by Commissioner Kenny Heath, the following resolution was unanimously approved.

BE IT RESOLVED, the minutes of the regular session of the July 15, 2013 meeting and closed session minutes of the July 1, 2013 meeting are hereby approved and the Chairman's signature is authorized thereon.

Chairman Ann Holton recognized Ms. Linda Potter Senior Services Director who came before the Board to announce that the Senior Center had submitted the paperwork for certification and have received their notice of certification. They are the fifth (5th) Senior Center to receive certification. Board Members congratulated Ms. Potter on her hard work and determination in receiving this award.

Chairman Ann Holton recessed the Board of Commissioners.

Chairman Ann Holton called to order the Board of Equalization and Review.

With Board of Equalization and Review business concluded for the evening Chairman Ann Holton recessed the Board of Equalization and called the Board of Commissioners back to order.

Chairman Ann Holton asked if there were any additions and/or deletions to the agenda.

On a motion made by Commissioner Christine Mele and seconded by Commissioner Carl Ollison, the Board unanimously agreed to the addition of a resolution opposing the petition for rulemaking classifying estuarine waters as secondary nursery areas.

There were no members of the public to speak during public comment period.

The Board then turned their attention to the Consent Agenda.

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

BE IT RESOLVED, the tax collector's monthly report for July is hereby approved.

BE IT RESOLVED, the request for septic system installation and additional clearing cost for Mr. Jerry Moore in the 2009 CDBG-CR Program is hereby approved as follows:

- 1) Approve Bobby Cahoon Construction for installation of the septic system with a bid of \$3,650.**
- 2) Approve Bobby Cahoon Construction for additional clearing costs of \$2,500.**

BE IT RESOLVED, that Commissioner Kenny Heath is hereby approved as an alternate for Commissioner Christine Mele on the RPO Board.

BE IT FURTHER RESOLVED, that Minnesott Beach Mayor Josh Potter is hereby approved as the municipal appointment to the RPO Board.

BE IT RESOLVED, that Phase II portion of the Hazard Mitigation Grant Application is hereby approved and signatures authorized thereon.

BE IT RESOLVED, the following Senior Center Grants are hereby approved.

- Home Community Care Block Grant: \$169,632 grant, \$18,848 match, and \$188,480 total**
- Senior Health Insurance Information Program: \$2,233 original, \$414 increase, \$2,647 total.**

BE IT RESOLVED, the request from the 4-H Director to accept a Harold H. Bate Foundation Grant is the \$2,000 is hereby approved and the County Manager's signature is authorized thereon.

BE IT RESOLVED, that Mr. Angelo Midgette is hereby appointed to the Regional Aging Advisory Committee Board.

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.

FISCAL YEAR 2012-2013

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT(-) DECREASED
105182 537000	ADVERTISING	\$202.94	
105110 537000	ADVERTISING		\$202.94

Reason for Budget Revision: To move budget for mosquito prevention ads to be placed.

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FISCAL YEAR 2012-2013

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT(-) DECREASED
104920 531000	TRAVEL		\$225.00
104920 549100	DUES AND SUBSCRIPTIONS	\$225.00	

Reason for Budget Revision: To move budget to pay dues for County Planner.

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FISCAL YEAR 2012-2013

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT(-) DECREASED
104320 529000	DEPARTMENTAL SUPPLIES	\$7,200.00	
104320 555000	CAPITAL OUTLAY		\$7,200.00

Reason for Budget Revision: To move budget to cover purchase of bullet proof vests.

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FISCAL YEAR 2012-2013

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT(-) DECREASED
104920 518200	RETIREMENT EXPENSE		\$1,000.00
104920 529000	DEPARTMENTAL SUPPLIES	\$1,000.00	

Reason for Budget Revision: To move budget to purchase laptop.

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FISCAL YEAR 2012-2013

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT(-) DECREASED
474326 555000	CAPITAL OUTLAY	\$5,713.00	
474326 519900	CONTRACTED SERVICES		\$5,713.00

Reason for Budget Revision: To move budget to cover ArcGIS License for mapping.

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FISCAL YEAR 2012-2013

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT(-) DECREASED
100214 434948	SHIIP	\$414.00	
104948 519900	CONTRACTED SERVICES	\$125.00	
104948 526000	OFFICE SUPPLIES	\$150.00	
104948 531000	TRAVEL	\$ 75.00	
104948 532000	TELEPHONE	\$ 64.00	

Reason for Budget Revision: To request approval for the SHIIP grant funding.

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FISCAL YEAR 2012-2013

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT(-) DECREASED
100211 435114	MOSQUITO CONTROL ADULT.	\$4,184.00	
105182 535300	M & R- AUTO	\$2,000.00	
105182 529000	DEPARTMENTAL SUPPLIES	\$2,184.00	

Reason for Budget Revision: To recognize unexpected State money for Mosquito Control.

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FISCAL YEAR 2012-2013

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT(-) DECREASED
105111 519900	CONTRACTED SERVICES		\$500.00
105111 525100	AUTO SUPPLIES		\$200.00
105111 529000	DEPARTMENTAL SUPPLIES		\$500.00
105111 529000MAJ	DEPARTMENTAL SUPPLIES- MAJOR	\$1,200.00	

Reason for Budget Revision: To move budget to purchase storage cabinet with lock.

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FISCAL YEAR 2012-2013

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT(-) DECREASED
104350 531000	TRAVEL		\$100.00
104350 535200	M & R- EQUIPMENT	\$100.00	

Reason for Budget Revision: To move budget to cover the cost of computer repair.

BE IT RESOLVED, the following resolution was unanimously approved

RESOLUTION CREATING A SERVICE DISTRICT KNOWN AS GOOSE CREEK ISLAND FIRE SERVICE DISTRICT

WHEREAS, Article 16 Chapter 153A of the General statutes of North Carolina, as amended, provides for the creation of a service district; and

WHEREAS, pursuant to said General Statutes a public hearing was held on the third day of June 2013 at 7:00 p.m. in Patsy Sadler Room of the Pamlico County Courthouse Annex, 202 Main Street, Bayboro, North Carolina; and

WHEREAS, only one comment was provided at the public hearing which was supportive of creating a service district to be known as the Goose Creek Island Fire Service District for the purpose of providing fire protection to those residents living therein; and

WHEREAS, Pamlico County Board of Commissioners finds that there is a demonstrative need for providing fire protection in the service district and that the residents of all of the territory to be included in the district will benefit from the creation of the service district and further that it is without unreasonable or burdensome annual tax levies; and

WHEREAS, Pamlico County finds that it is impractical to provide said fire service on a countrywide basis to all of the areas of the County and have relied upon fire tax districts and service districts to provide said protection; and

WHEREAS, the other requirements of G.S. 153A-302 have been complied with and fully met and that said district should be established; and

WHEREAS, the territory to be embraced within the Goose Creek Island Fire Service District is as follows: All that land lying and situated in the area designated as Goose Creek Island Fire District in Number Four Township, Pamlico County, North Carolina.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the County of Pamlico that a service district be and is hereby created known as the Goose Creek Island Fire Service District and embraces that area in Number Four Township as follows:

All that land lying and situated in Pamlico County and designated as Goose Creek Island Fire District in Number Four Township, Pamlico County, North Carolina.

Adopted this the 3rd day of June, 2013

The Board then turned their attention to the Correspondence Agenda.

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

BE IT RESOLVED, that Dr. Cleve Cox is hereby appointed as the Pamlico Community College Member on the Economic Development Advisory Committee.

BE IT FURTHER RESOLVED, that Commissioner Christine Mele is hereby appointed as the Commissioner appointment on the Economic Development Advisory Committee.

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

BE IT RESOLVED, that Commissioner Pat Prescott is Pamlico County's voting delegate ant the NCACC Annual Conference.

Health Director, Dennis Harrington is requesting to hire a social worker for case management duties previously performed by a nurse position (currently vacant). Since the vacancy of the nursing position, the health department has contracted services with Craven County. In order to preserve state funding, it is Mr. Harrington's opinion that we need to move forward with the hire.

To secure a qualified applicant, Mr. Harrington is requesting to hire above the hire rate for the position. See below for details:

Position: Social Worker II

Approved Hire Cap: \$29,393

Requested Hire Rate: \$32,000

The position is rated for Social Worker III classification and per state policy the selected candidate will be promoted to the advanced classification after meeting the public health experience requirement. It is estimated that this will take 6 months to a year and will result in a salary of approximately \$36,000.

Budget is available as the duties are currently budgeted for a nurse at a salary of \$47,831. First year savings are approximately \$16,000.

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

BE IT RESOLVED, that the request from Health Director Dennis Harrington to hire a Social Worker II at the beginning salary of \$32,000 is hereby approved.

On a motion made by Commissioner Kenny Heath and seconded by Commissioner Paul Delamar, the following resolution was passed by majority vote. Commissioner Christine Mele cast a dissenting vote.

BE IT RESOLVED, a public hearing will be held on August 19, 2013 for public comment on the proposed Wind Energy Ordinance.

Chairman Ann Holton gave the following update on the Hazard Mitigation Projects.

- Phase I (acquisition) is back underway and we are working with applicants to complete the buy outs. There are fourteen households approved under this grant.
- Phase II Acquisition: FEMA has approved the acquisition portion of the HMGP (53 applicants) and we have received a signed grant agreement from the State. After the grant agreement is signed, staff will have a kickoff meeting with the State to review the grant procedures. Subsequent to the kickoff meeting, the following activities will take place: procure services, staff meets with the grantees and review the process and begin field work. Attached is a recent letter that was sent to the applicants.
- The elevation portion of Phase II (approximately 50 applicants) is still under review by FEMA. State Emergency Management representatives have indicated that it will be at least the end of August, 2013 before we hear something. We have made our representatives aware of this and are requesting assistance.

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

BE IT RESOLVED, the request to contact the Department of Transportation to replace the 2-way stop sign with a 4-way stop sign at Don Lee and Janiero Road Intersection is hereby approved.

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

BE IT RESOLVED, the alternate treatment methodology presented by Rivers and Associates for the existing Kershaw Water Treatment Plant is hereby approved.

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

BE IT RESOLVED, the following resolution was unanimously approved.

**RESOLUTION
OPPOSING PETITION FOR RULEMAKING-CLASSIFYING ESTUARINE WATERS
SECONDARY NURSERY AREAS**

Whereas, North Carolina is recognized for its many fisheries and the commercial and recreational fishermen who harvest them; and

Whereas, fish and shellfish in North Carolina are a public trust resource and belong to all citizens of the state; and

Whereas, North Carolina possesses a truly unique ecosystem and has the second largest estuarine system (Albemarle-Pamlico Sound) in the United States; and

Whereas, North Carolina is one of the few states in the United States to have estuarine habitat which supports three species of commercially important shrimp (brown, pink, and white); and

Whereas, the shrimp fishery is North Carolina's second most important commercial fishery, being worth an average of \$11.5 million wholesale annually to our state, reaching as high as \$25 million per year, and supporting hundreds of dealers and thousands of fishermen each year ; and

Whereas, trawls harvest over 95% of the shrimp landed commercially in North Carolina; and

Whereas, the vast majority (76%) of the North Carolina shrimp harvest occurs in estuarine waters; and

Whereas, shrimp is the most consumed seafood in the United States and the United States is the second highest consumer of seafood in the world; and

Whereas, the North Carolina shrimp trawl fishery provides much-desired domestic seafood to consumers in the United States; and

Whereas, North Carolina is a leader in the United States in protecting nursery habitat for recreationally and commercially important juvenile fish and shellfish and was the first state to formally classify primary nursery areas; and

Whereas, the North Carolina Division of Marine Fisheries utilized scientifically rigorous methods that led the Marine Fisheries Commission to classify current nursery areas, which are primarily located in tributaries of sounds and rivers; and

Whereas, the North Carolina Division of Marine Fisheries has not utilized the same scientific methodologies to sample Pamlico Sound, Albemarle Sound and has not rigorously sampled the open waters of other North Carolina tributaries in order to allow scientific comparison to currently classified secondary nursery areas; and

Whereas, classifying all internal (estuarine) waters as permanent secondary nursery areas that are not classified as a nursery area would prohibit trawling in all the estuarine waters of North Carolina ; and

Whereas, North Carolina has been a leader in conserving juvenile finfish in the shrimp trawl fishery by being the first state to require by catch reduction devices to allow a large percentage of juvenile fish to escape; and

Whereas, The North Carolina 2006 Shrimp Fishery Management Plan enacted several management measures to limit juvenile finfish by catch in the shrimp trawl fishery; and

Whereas, none of the three shrimp species in North Carolina are overfished and effort reduction measures are not needed for sustaining their populations; and

Whereas, North Carolina has a renowned fisheries management system under the Fisheries Reform Act where fisheries management plans, produced by scientists, reviewed by numerous advisory committees and reviewed by legislative committees are used to ensure sustainable fisheries resources in North Carolina and of which a new Shrimp Fishery Management Plan is being prepared that addresses finfish by catch and other management issues; and

Whereas, prohibiting shrimp trawling in the areas where the vast majority of it occurs will adversely affect not only North Carolina businessmen who commercially fish and are small, family-operated businesses, but also coastal and inland restaurants that serve local seafood to consumers, businesses that sell gear and supplies to fishermen, retail businesses that sell local fish to consumers, and other businesses associated with our state's commercial fishing industry which provide many jobs for North Carolina; and

NOW, THEREFORE, BE IT RESOLVED that the Pamlico County Board of Commissioners, oppose the petition for rulemaking requesting that all internal waters of North Carolina be classified as permanent secondary nursery areas that are not already classified nursery areas and request that the North Carolina Marine Fisheries Commission deny the aforementioned petition.

ADOPTED, this the 5th day of August, 2013

On a motion made by Commissioner Paul Delamar and seconded by Commissioner Pat Prescott, the Board unanimously agreed to go into closed session to discuss the qualifications of applicants for the Senior Services Director position in accordance with G.S.143.318.11(a) 6.

On a motion made by Commissioner Jimmy Spain and seconded by Commissioner Pat Prescott, the Board unanimously agreed to recuse Commissioner Carl Ollison from the closed session due to a conflict of interest.

On a motion made by Commissioner Kenny Heath and seconded by Commissioner Jimmy Spain, the Board went back into open session.

No action was taken in closed session.

On a motion made by Commissioner Kenny Heath and seconded by Commissioner Jimmy Spain, the Board unanimously agreed to adjourn until Monday August 19, 2013 at 7:00 p.m.

Chairman

Clerk to the Board