

**REGULAR SESSION OF THE PAMLICO COUNTY BOARD OF COMMISSIONERS  
MONDAY OCTOBER 6, 2014**

The Pamlico County Board of Commissioners met in regular session on Monday October 6, 2014 in the Patsy H. Sadler Room of the Pamlico County Courthouse. All Commissioners were present with exception of Commissioners Pat Prescott and Carl Ollison. 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.

Chairman Paul Delamar led the assemblage in the Pledge of Allegiance.

Chairman Paul Delamar asked if there were any corrections, additions and /or deletions of the September 2, 2014 closed session and September 15, 2014 regular and closed session minutes. There being none on a motion made by Commissioner Ann Holton and seconded by Commissioner Christine Mele, the following resolution was unanimously approved.

**BE IT RESOLVED, that the minutes of the September 2, 2014 closed session and the September 15, 2014 regular and closed session minutes are hereby approved and the Chairman's signature is authorized thereon.**

There were no addition and or deletions to the agenda.

Chairman Paul Delamar recognized Mr. Jamie Gibbs, Vice President of Student Services at Pamlico Community College. Mr. Gibbs introduced three (3) of his student ambassadors. They are as follows: Miss Jamie Loscalzo, Ms. Jacquelyn Worth and Mr. Breze Butler. These students represent the college at all college events.

Chairman Paul Delamar asked if there were any members of the public to speak during public comment period. There was one member:

- Mr. Larry Summers informed board members that they were looking for a grant to assist in cleaning marine debris from the waterways in Pamlico County. They have found a few sunken boats and are sending a survey to citizens trying to locate other ones.

The Board then turned their attention to the Consent Agenda.

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

**BE IT RESOLVED, the request to set a public hearing for the FY 2014-2015 ROAP grant for October 20, 2014 is hereby approved.**

**BE IT RESOLVED, the request for a leak adjustment for water account # 485898 is hereby approved.**

**BE IT RESOLVED, that Ms. Teresa Scott is hereby reappointed to the Health Board.**

**BE IT RESOLVED, the request from Mr. Bob Johnson, Social Services Director to offer a salary of \$34,998 to a Social Work IAT position candidate with prior experience is hereby approved. Funds are available.**

**BE IT RESOLVED, the request from Mr. Garry Cooper, Public Services Director to contract with an electronic recycling company to remove recycled electronic components from the recycling center on NC 306 North is hereby approved at a cost not to exceed \$5,300. An electronic fund balance allocation of \$1,942 is authorized.**

**BE IT RESOLVED, the following budget amendments are hereby approved.**

*Department: Sheriff*

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 2014-2015**

<b>ACCOUNT NUMBER</b>	<b>ACCOUNT DESCRIPTION</b>	<b>AMOUNT (+) INCREASED</b>	<b>AMOUNT(-) DECREASED</b>
100213 434328	CONT. SUBSTANCE- RESTRICTED	\$11,711.59	
104310 529000	DEPARTMENTAL SUPPLIES	\$11,711.59	

Reason for Budget Revision: To recognize controlled substance revenue and increase associated expenditure line.

*Department: 4-H*

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**FISCAL YEAR 2014-2015**

<b>ACCOUNT NUMBER</b>	<b>ACCOUNT DESCRIPTION</b>	<b>AMOUNT (+) INCREASED</b>	<b>AMOUNT(-) DECREASED</b>
600400 435206	CAMP FEES	\$4,110.00	
607130 549901 4H	MISCELLANEOUS	\$4,110.00	

Reason for Budget Revision: To recognize camp fee revenue and increase associated expenditure line.

*Department: DSS*

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**FISCAL YEAR 2014-2015**

<b>ACCOUNT NUMBER</b>	<b>ACCOUNT DESCRIPTION</b>	<b>AMOUNT (+) INCREASED</b>	<b>AMOUNT(-) DECREASED</b>
105491 518500	DUKE ENERGY LIEP		\$16,122.00
105491 549907	DUKE ENERGY LIEP	\$16,122.00	

*Reason for Budget Revision:* To correct the line the budget was keyed to in error.

*Department: Health*

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**FISCAL YEAR 2014-2015**

<b>ACCOUNT NUMBER</b>	<b>ACCOUNT DESCRIPTION</b>	<b>AMOUNT (+) INCREASED</b>	<b>AMOUNT(-) DECREASED</b>
105110 533001	WATER AND SEWER	\$1,000.00	
105110 533002	NATURAL GAS		\$1,000.00

*Reason for Budget Revision:* To correct previous BA (15-008) with wrong account number.

*Department: Recycling*

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**FISCAL YEAR 2014-2015**

<b>ACCOUNT NUMBER</b>	<b>ACCOUNT DESCRIPTION</b>	<b>AMOUNT (+) INCREASED</b>	<b>AMOUNT(-) DECREASED</b>
600000 439900 EMF	FUND BALANCE APP.	\$1,942.00	
600000 549901 EMF	MISCELLANEOUS	\$1,942.00	

*Reason for Budget Revision:* To recognize additional revenue and increase associated expenditure.

*Department: DSS*

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 2014-2015**

<b>ACCOUNT NUMBER</b>	<b>ACCOUNT DESCRIPTION</b>	<b>AMOUNT (+) INCREASED</b>	<b>AMOUNT(-) DECREASED</b>
105550 519900	HCCBG- CONT. SERVICES	\$200.00	
105550 526000	NCCBG- OFFICE SUPPLIES		\$200.00

*Reason for Budget Revision:* To move budget to better represent the needs of the program.

Commissioner Carl Ollison arrived.

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

**BE IT RESOLVED, that American Tree Company is hereby approved to remove the trees and stumps from around the Agricultural Building at the cost of \$3,000. This approval is contingent on receiving property and liability and workers compensation insurance information on the company within the next 48 hour period. If the information is not received, staff is authorized to contract with next respondent bidder.**

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

**RESOLUTION OPPOSING THE PROPOSED EXPANSION OF FEDERAL CONTROL UNDER THE CLEAN WATER ACT**

**WHEREAS**, the Environmental Protection Agency (“EPA”) and the Army Corps of Engineers (“Corps”) have released a 371 page draft regulation for Definition of Waters of the U.S. under the Clean Water Act; and

**WHEREAS**, both agencies are seeking a rule change to give the federal government more authority by expanding the definition of “navigable waters” in the Clean Water Act; and

**WHEREAS**, counties and towns throughout the United States own and operate a number of public infrastructure ditches—roadside, flood control channels, drainage conveyances and stormwater; these ditches are used to safely funnel water away from homes, properties and roads to keep our citizens protected.; and

**WHEREAS**, the rule change proposed by the EPA and the Corps would subject almost all physical areas with a connection to downstream navigable waters, including features such as ditches, natural or man-made ponds, and flood plains, to the jurisdiction of the Clean Water Act; and

**WHEREAS**, counties are tasked with the heavy responsibility to protect the health, welfare, and safety of their citizens, as well as maintain and improve their quality of life. This includes protecting of valuable water resources, whether as a regulated entity or regulator, to ensure that the nation’s waters remain clean; and

**WHEREAS**, there are concerns with the process used to create the proposed rule changes, and specifically whether impacted state and local groups were adequately consulted throughout the process; and

**WHEREAS**, Pamlico County Board of Commissioners believe that states and local governments should be given the opportunity to provide meaningful consultation on rules before rules are formally proposed, especially if the rule will have a significant impact on capital costs, operations and mandates on the people served as required under Executive Order 13132: Federalism; and

**WHEREAS**, because of the complexity of the proposed rule, there are concerns that only 90 days are allowed for review and comment; and

**NOW, THEREFORE, BE IT RESOLVED**, the Pamlico County Board of County Commissioners urge the Administration to remand the rule until local government concerns are addressed and re-release a revised rule based on the concerns raised by state and local government stakeholders.

**BE IT FURTHER RESOLVED**, the Pamlico County Board of County Commissioners request that the agencies reopen the comment period after updates are made to the "waters of the U.S." proposed rule that address local concerns.

**BE IT FURTHER RESOLVED that** a copy of this resolution be forwarded to the Environmental Protection Agency, the Army Corps of Engineers, and the entire North Carolina Congressional delegation.

This the 6<sup>th</sup> day of October 2014.

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

**BE IT RESOLVED, the following contract for McClees Consulting is hereby approved.**

STATE OF NORTH CAROLINA

COUNTY OF PAMLICO

**CONTRACT AND AGREEMENT  
FOR SERVICES BY  
INDEPENDENT CONTRACTOR**

THIS CONTRACT AND AGREEMENT for services by an independent contractor (herein referred to as the "Contract") is made and entered into this 6th day of October, 2014, by and between PAMLICO COUNTY, NORTH CAROLINA

(herein "Client") and McCLEES CONSULTING, INC., of Pamlico County, NC (herein "Consultant").

## **BACKGROUND**

Client is a duly organized county of the State of North Carolina, and having as its principal address: 202 Main Street, PO Box 776, Bayboro, NC 28515.

Consultant is a corporation, incorporated and operating under the laws of North Carolina, and having as its principal address: 45 White Farm Road, PO Box 430, Oriental, NC 28571.

Client is in need of the expertise and services of Consultant to lobby on behalf of Client, to include but not be limited to transportation issues, including toll-free ferry services, educational issues, and any issues affecting Pamlico County that are specifically requested by the Chairman of the County Commissioners. Consultant has experience in lobbying, is familiar with the goals of Client, and has skills, knowledge, abilities, and experience to benefit Client.

The parties desire to enter into this lobbying agreement.

THEREFORE, in consideration of the premises and of the agreements, stipulations, and covenants herein contained, and for other good and valuable consideration, receipt of which is hereby acknowledged, the parties agree as follows:

1. **Consultation.**

(a) Client hereby engages Consultant to render lobbying services and Consultant agrees to provide such services upon the terms and conditions of this Contract.

(b) Consultant is being retained because of the personal skill, expertise, and experience of Joseph D. McClees. All services to be performed under this Contract shall be performed personally by Joseph D. McClees with the assistance of S. Henri McClees, Attorney at Law, unless Client gives its prior written consent to another arrangement.

(c) Consultant shall report to the Chairman of the Board of County Commissioners of Pamlico County, and shall keep the County Manager informed of all activities.

2. **Term.** The term of the Contract shall begin on the first day of January, 2015 and continue through the 31<sup>st</sup> day of December, 2015.

3. **Consulting Fees.** Client shall pay to Consultant fees for services as follows:

(a) The sum of Twenty-five Thousand Dollars (\$25,000.00) for lobbying services, with Fifteen Thousand Dollars (\$15,000.00) payable at the time of the execution of the Contract and Ten Thousand Dollars (\$10,000.00) payable on or before the first day of January, 2015.

(b) Client shall reimburse Consultant for all lobbyists and principal lobbying 2015 registration fees, totaling Four Hundred Fifty Dollars (\$450.00), payable on or before the first day of January, 2015.

4. **Independent Contractor.** The parties acknowledge and agree the relationship of Consultant with Client is that of independent contractor. Except as provided in this Contract, neither party shall exercise any control over the activities and operations of the other. Neither Client nor Consultant is liable or responsible for the acts, omissions, or defaults of the other in any manner. Consultant, as well as any employees or independent contractors of Consultant, shall not be considered, under the provisions of this Contract or otherwise, to be employees of Client for any purpose whatsoever.

5. **Applicable Law.** The laws of North Carolina shall govern this Contract.

6. **Entire Agreement; Amendment.** This Contract supersedes all prior understandings and agreements and informal working arrangements between the parties, written and oral. This Contract may not be amended orally, but only by a writing duly executed by both parties.

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

**BE IT RESOLVED, the apparent low bidder Herring-Riverbark with a bid of \$105,966.00 for the relocation of water lines adjacent to Bridge 24 is hereby approved.**

On a motion made by Commissioner Ann Holton and seconded by Commissioner Kenny Heath, the Board went into closed session in accordance with G.S. 143.318.11(a) 6 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.

The Board discussed the qualifications of a new hire. No action was taken in closed session.



There being no further business on a motion made by Commissioner Ann Holton and seconded by Commissioner Kenny Heath the Board adjourned until Monday October 20, 2014 at 7:00 p.m.

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Chairman

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Clerk to the Board