

**REGULAR SESSION OF THE PAMLICO COUNTY BOARD OF COMMISSIONERS
MONDAY JANUARY 5, 2015**

The Pamlico County Board of Commissioners met in regular session on Monday January 5, 2015 at 7:00 p.m. in the Patsy H. Sadler Room. All Commissioners were present with exception of Commissioner Carl Ollison. Also present were Attorney Dave Baxter, County Manager Tim Buck, Finance Officer Bill Fentress and Clerk to the Board Kathy P. Cayton.

Chairman Pat Prescott called the meeting to order, delivered the invocation, and led the assemblage in the Pledge of Allegiance.

Chairman Pat Prescott asked if there were any corrections, additions and/or deletions to the revised November 17, 2014 minutes and the December 1, 2014 regular session minutes. There being none, on a motion made by Commissioner Paul Delamar and seconded by Commissioner Christine Mele, the following resolution was unanimously approved.

BE IT RESOLVED, the revised minutes of the November 17, 2014 and the regular session minutes of December 1, 2014 are hereby approved and the Chairman's signature is authorized thereon.

Chairman Pat Prescott recessed the meeting and opened the public hearing for the Amendments to the Group Housing/Subdivision Ordinance. Commissioner Carl Ollison arrived.

Attorney Dave Baxter explained the amendments to the ordinance.

There were no members of the public to speak.

Chairman Pat Prescott declared the public hearing closed.

On a motion made by Commissioner Paul Delamar and seconded by Commissioner Ann Holton, the following amended ordinance was unanimously approved.

**Group Housing Ordinance Amendment
8.2
Reasonable Accommodation**

The Group Housing Board may recommend to the Board of Commissioners that reasonable accommodations under the Federal Fair Housing Act for the circumstances set forth in this section are appropriate.

8.3

Application Requirements; Determination of Completeness

- (a) Persons Authorized to File Applications. An application for a reasonable accommodation may be filed only by the owner of the land affected by the reasonable accommodation; an agent, lessee, or contract purchaser specifically authorized by the owner to file such application; or any unit of government that is not the owner of the lot but proposes to acquire the lot by purchase, gift, or condemnation.
- (b) Pre-Application Conference. Before filing an application for a reasonable accommodation, the applicant may request a pre-application conference with the Planning Department.
- (c) Application Filing. An application for a reasonable accommodation shall be filed with the Planning Department. No filing fee is required for such application. Once the application is complete, the Planning Department shall schedule the application for consideration at a hearing before the Group Housing Board, and shall transmit to the Group Housing Board all applications and other records pertaining to such reasonable accommodation prior to the hearing on the application.

8.4

Action on the Application

- (a) Upon receiving the application materials from the Planning Department, the Group Housing Board shall hold a public hearing on the proposed reasonable accommodation and shall decide the request upon a majority vote of the members within a reasonable time. Notice of the hearing shall be provided to the applicant and to the public no less than ten (10) days prior to the hearing date.
- (b) In considering the application, the Group Housing Board shall review the application materials, the approval criteria stated in this ordinance and all comments received at the hearing.
- (c) After conducting the hearing, the Group Housing Board may recommend to the Board of Commissioners that the Board of Commissioners: (1) deny the application; (2) conduct an additional hearing on the application; or (3) grant the requested reasonable accommodation.
- (d) The Group Housing Board's recommendation and the Board of Commissioners' decision shall be based upon competent, material, and substantial evidence. Both the recommendation from the Group Housing Board and the decision of the Board of Commissioners shall be reduced to writing and reflect each Board's determination of the facts and their application to the applicable standards. The written decision shall be

signed by the chair of each Board. The decision is effective upon filing the written decision with the Clerk to the Board of Commissioners.

- (e) The decision shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.

8.5 **Approval Criteria**

The Group Housing Board shall recommend and the Board of Commissioners shall grant a reasonable accommodation to any provision of this ordinance if each Board finds by a greater weight of the evidence that the proposed reasonable accommodation is determined to be both reasonable and necessary, in accordance with the following:

- (a) **“Reasonable”** An accommodation will be determined to be reasonable if it would not undermine the legitimate purposes and effects of existing planning regulations, and if it will not impose significant financial and administrative burdens upon the County and/or constitute a substantial or fundamental alteration of the County’s ordinance provisions; and
- (b) **“Necessary”** An accommodation will be determined to be necessary if it would provide direct or meaningful therapeutic amelioration of the effects of the particular disability or handicap, and would afford an equal opportunity to enjoy and use housing in residential areas in the County.

8.6 **Effect of Approval or Denial**

- (a) After the Board of Commissioners approves a reasonable accommodation, the applicant shall follow the normal procedures set forth in this and any other applicable ordinance for approval of any permits, certificates, and other approvals required in order to proceed with development or use of the property. All orders, decisions, determinations, and interpretations made by administrative officers under those procedures shall be consistent with the reasonable accommodation granted by the Board of Commissioners.
- (b) Group Housing Board and the Board of Commissioners shall refuse to hear a reasonable accommodation request that has been previously denied, unless it finds that there have been substantial changes in the conditions or circumstances relating to the matter.

8.7
Lapse

In situations where a reasonable accommodation was a prerequisite to site plan and/or subdivision approval, failure of an applicant to apply for a building permit and commence construction or action with regard to the special exception approval within one (1) year of receiving approval of the reasonable accommodation shall automatically render the decision of the Board of Commissioners to grant the reasonable accommodation null and void.

8.8
Appeal

Any appeal from the decision of the Board of Commissioners regarding denying the reasonable accommodation request shall be to the Superior Court for Pamlico County by petition for a writ of certiorari. Any such petition to the Superior Court shall be filed with the Clerk of Court by the later of thirty (30) days after the date the decision of the Board of Commissioners is effective. When first-class mail is used to deliver notice of the decision of the Board of Commissioners, three (3) days shall be added to the time to file the petition.

Amendment to the Subdivision Ordinance

ARTICLE 5

VARIANCES AND REASONABLE ACCOMMODATION

5.1

General Variance

5.4

Reasonable Accommodation

The Planning Board may recommend to the Board of Commissioners that reasonable accommodations under the Federal Fair Housing Act for the circumstances set forth in this section are appropriate.

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Application Requirements; Determination of Completeness

- (d) Persons Authorized to File Applications. An application for a reasonable accommodation may be filed only by the owner of the land affected by the reasonable accommodation; an agent, lessee, or contract purchaser specifically authorized by the owner to file such application; or any unit of government that is not the owner of the lot but proposes to acquire the lot by purchase, gift, or condemnation.
- (e) Pre-Application Conference. Before filing an application for a reasonable accommodation, the applicant may request a pre-application conference with the Planning Department.
- (f) Application Filing. An application for a reasonable accommodation shall be filed with the Planning Department. No filing fee is required for such application. Once the application is complete, the Planning Department shall schedule the application for consideration at a hearing before the Planning Board, and shall transmit to the Planning Board all applications and other records pertaining to such reasonable accommodation prior to the hearing on the application.

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Action on the Application

- (f) Upon receiving the application materials from the Planning Department, the Planning Board shall hold a public hearing on the proposed reasonable accommodation and shall decide the request upon a majority vote of the members within a reasonable time. Notice of the hearing shall be provided to the applicant and to the public no less than ten (10) days prior to the hearing date.
- (g) In considering the application, the Planning Board shall review the application materials, the approval criteria stated in this ordinance and all comments received at the hearing.
- (h) After conducting the hearing, the Planning Board may recommend to the Board of Commissioners that the Board of Commissioners: (1) deny the application; (2) conduct an additional hearing on the application; or (3) grant the requested reasonable accommodation.
- (i) The Planning Board's recommendation and the Board of Commissioners' decision shall be based upon competent, material, and substantial evidence. Both the recommendation from the Planning Board and the decision of the Board of Commissioners shall be reduced to writing and reflect each Board's determination of the facts and their application to the applicable standards. The written decision shall be signed by the chair of

each Board. The decision is effective upon filing the written decision with the Clerk to the Board of Commissioners.

- (j) The decision shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.

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- (c) **“Reasonable”** An accommodation will be determined to be reasonable if it would not undermine the legitimate purposes and effects of existing planning regulations, and if it will not impose significant financial and administrative burdens upon the County and/or constitute a substantial or fundamental alteration of the County’s ordinance provisions; and
- (d) **“Necessary”** An accommodation will be determined to be necessary if it would provide direct or meaningful therapeutic amelioration of the effects of the particular disability or handicap, and would afford an equal opportunity to enjoy and use housing in residential areas in the County.

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Effect of Approval or Denial

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- (d) Planning Board and the Board of Commissioners shall refuse to hear a reasonable accommodation request that has been previously denied, unless it finds that there have been substantial changes in the conditions or circumstances relating to the matter.

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In situations where a reasonable accommodation was a prerequisite to site plan and/or subdivision approval, failure of an applicant to apply for a building permit and commence construction or action with regard to the special exception approval within one (1) year of receiving approval of the reasonable accommodation shall automatically render the decision of the Board of Commissioners to grant the reasonable accommodation null and void.

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Appeal

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Chairman Pat Prescott recognized Sheriff Chris Davis who came before the Board with a request for two (2) positions and two (2) vehicles.

Sheriff Davis requested consideration from the Board to hire two (2) new drug investigators and to purchase new vehicles and equipment for the new hires. The costs are annualized at approximately \$80,000 per position. Sheriff Davis stated that in the past twenty-four (24) months, heroin has become the drug of choice within Pamlico County and Eastern District of North Carolina. Heroin arrests are up approximately 400% in 2014 as related to 2013 and 2012. Methamphetamine production and use has also increased approximately 500% in Pamlico County in 2014. In 2014 the Pamlico Sheriff's office responded to and assisted in dismantling five (5) methamphetamine laboratories. Prior to 2014, the last laboratory in Pamlico County was discovered in 2002.

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

BE IT RESOLVED, the Pamlico County Board of Commissioners approved one (1) Investigator Position with equipment for the Sheriff's Department and the purchase of three (3) vehicles.

BE IT FURTHER RESOLVED, the Sheriff will apply for a grant for the second Investigator Position. If that is not approved the Board request that he bring the request back for funding by the County.

Tax Administrator Kathy Tyndall came before the Board at the request of Commissioner Christine Mele to present options for a separate Board of Equalization and Review. Ms. Tyndall presented her recommendations and requirements for a Board of Equalization and Review.

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

BE IT RESOLVED, the Board of Commissioners request recommendations are placed on the agenda of the February 2, 2015 meeting. They have agreed on the following recommendations:

- **Five member board**
- **A resident of the County for two (2) years**
- **No specific number of any professions.**
-

Chairman Prescott asked if there were any additions and/or deletions to the agenda. There was one addition. On a motion made by Commissioner Paul Delamar and seconded by Commissioner Kenny Heath, the Board unanimously agreed to add the resolution supporting the Pamlico Community College Small Business Center.

Chairman Pat Prescott recognized Ms. Sandy Johnson-Clark, Director of the Small Business Center for a resolution of support of the community college based small business centers.

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

**Resolution Supporting Continued Funding of
The Pamlico Community College Small Business Center**

Whereas, small businesses are a vital part of Pamlico County's economy; and

Whereas, the provision of business assistance services and one-on-one consulting is proven to be an effective method of establishing, growing, strengthening and retaining small businesses; and

Whereas, the Small Business Center at Pamlico Community College (SBC) supports the development of new businesses and the growth of existing businesses by being a community-based provider of training, counseling, resource and funding information; and

Whereas, in fiscal year 2013-2014, the SBC assisted in the creation/retention of 47 jobs, presented 48 free business seminars with over 414 people in attendance, and provided counseling and mentoring for 40 business owners; and

Whereas, the SBC founded the Pamlico Minority Business Network to encourage and assist in the formation of minority owned businesses in Pamlico County; and

Whereas, the SBC was central in establishing the Pamlico County Small Business Roundtables, a peer to peer mentoring group of business owners that assists small business owners in building relationships and gaining insight from peers on opportunities and challenges in a closed-door, non-competitive environment; and

Whereas, the North Carolina Legislature has directed the North Carolina Community College System (System) to reduce the System budget by an additional 2%; and

Whereas, Community College Small Business Centers may be a target of proposed cuts to the budget; and

Whereas, cuts to the SBC will potentially lead to an economic void in Pamlico County; and

Whereas, the economic impact from Pamlico County losing its SBC could possibly include a decrease in jobs created, jobs retained and business start-ups.

Now Therefore Be It Resolved, Pamlico County Commissioners hereby express sincere appreciation to the Pamlico County Community College Small Business Center for many years of providing vital business assistance services to small businesses in Pamlico County and for many years of devoted service to the citizens of Pamlico County.

Be It Further Resolved, the Pamlico County Commissioners strongly express sincere thanks to our State officials for the years of support they have given to Community College Small Business Centers and encourage them to continue this much needed support and funding for Pamlico Community College Small Business Center.

Adopted, this the 5th day of January, 2015.

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 Kenny Heath, the following resolutions were unanimously approved.

BE IT RESOLVED, to extend the Pamlico Rescue and Tarheel Medical Transport ambulance franchises for 60 days until March 1, 2015 to allow the EMS Advisory Committee to review them.

BE IT RESOLVED, the request to change the meeting date from January 19, 2015 to January 20, 2015 due to the Martin Luther King Holiday is hereby approved.

BE IT RESOLVED, the request for change orders one (1) and two (2) for the Bridge 24 Water Main Relocation Project is hereby approved.

BE IT RESOLVED, the Rural Center Contract for Disaster Resiliency Training is hereby approved.

BE IT RESOLVED, the Asbestos Inspection Services for Phase 1 and Phase II of the HMGP Acquisition Program is hereby approved.

BE IT FURTHER RESOLVED, that Envio Assessments East for Phase II is hereby approved at the contracted price of \$250.00 per house and \$150.00 for clearance.

BE IT RESOLVED, the resolution authorizing the filing of an application for approval of a financing Agreement authorized by North Carolina General Statute 160A-20 for the Pamlico Community College Johnson Building Roof repairs is hereby approved.

BE IT RESOLVED, the request from Bob Johnson, Social Services Director to transfer due to overspending the remainder of the Elderly and Disabled Transportation Assistance Program Funds to the Rural General Public Funds is hereby approved.

BE IT RESOLVED, the request that the hours for law enforcement employees accruing overtime be changed to earn time and a half for any hours worked over (after) 171 in a 28 day work period and that the work week for deputies remain at 6:01 Friday through 6:00 p.m. the following Tuesday is hereby approved.

On a motion made by Commissioners Christine Mele and seconded by Commissioner Ann Holton, the following Budget Amendments were hereby approved.

Department: Animal Control

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

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT(-) DECREASED
100600-400000	Miscellaneous Revenue	70.00	
104380-519900	Contracted Services	70.00	

Reason for Budget Revision: To recognize donation made to animal control as miscellaneous revenue and increase animal control contracted services.

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

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT(-) DECREASED
105310-519900	Contracted Services	1,393.00	
105310-535200	M & R Equipment		1,393.00

Reason for Budget Revision: To move funds to cover contract for email services

Department: Recycling

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

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT(-) DECREASED
100000-439900	Fund Balance Appropriation	3058.00	
104721-519900	Contracted Services	3058.00	

Reason for Budget Revision: To allocate funds for recycled electronic components removal

Department: Data Processing

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

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT (-) DECREASED
104120-529100	Data Processing Supplies		100.00
104120-535200	M & R Equipment		150.00
104120-538100	Programming		100.00
104210-538100	Programming		460.00
104210-535200	M &R Equipment	860.00	

Reason for Budget Revision: To move funds to cover cost of new desktop

The Board then turned their attention to the Correspondence Agenda.

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

BE IT RESOLVED, to allow retired deputy James Mitchell to purchase his service revolver at market value of \$350.00.

BE IT FURTHER RESOLVED, Mr. Mitchell will be given two weeks to respond to this offer.

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

BE IT RESOLVED, the request to hire a Temporary Water Plant operator is hereby approved.

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

BE IT RESOLVED, the Pamlico County Courthouse Basement Boiler Room Structural Stabilization Project is hereby awarded to the apparent low bidder Tru Coat Inc. with a bid amount of \$26,706.00. The County Manager and Finance Officer are hereby authorized to sign contract documents.

On a motion made by Commissioner Ann Holton and seconded by Commissioner Kenny Heath, the Board unanimously agreed to Chairman Pat Prescott being the voting delegate at the Legislative Goals Conference.

There being no further business on a motion made by Commissioner Ed Riggs and seconded by Commissioner Paul Delamar, the Board adjourned.

Chairman

Clerk to the Board