

**REGULAR SESSION OF THE PAMLICO COUNTY BOARD OF COMMISSIONERS
MONDAY SEPTEMBER 21, 2015**

The Pamlico County Board of Commissioners met in regular session on Monday September 21, 2015 in the Patsy H. Sadler Room of the Pamlico County Courthouse. All Commissioners were present. Also present were County Attorney Jim Hicks, County Manager Tim Buck, Finance Officer Tim Buck and Clerk to the Board Kathy P. Cayton.

Chairman Pat Prescott called the meeting to order.

Chairman Pat Prescott asked if there were any corrections, additions and/or deletions to the regular and closed session minutes. There being none, on a motion made by Commissioner Carl Ollison and seconded by Commissioner Paul Delamar, the following resolution was unanimously approved.

BE IT RESOLVED, the regular and closed session minutes of the Monday September 21, 2015 meeting are hereby approved and the Chairman's signature is authorized thereon.

Chairman Pat Prescott recognized Mr. Steve Player, AICP Project Manager who came before the Board to present the Joint Land Use Study (JLUS). The intent of the JLUS process is to establish and foster a working relationship among Military installations and their neighboring communities to act as a team to prevent and/or curtail civilian encroachment issues associated with continued military operations, potential future mission changes, and regional growth. The term encroachment refers to incompatible uses of land, air, water, and other resources that may individually or cumulatively impact the military's ability to carry out its testing and training mission. The Board Members thanked Mr. Player for his presentation.

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

Chairman Pat Prescott asked if there were any members of the public to speak during public comment period. There were two (2).

- Mr. Larry Prescott: Mr. Prescott has concerns with the spraying being done on the roadsides. He would like to know who authorized it, what chemicals they are using and the cost.
- Mr. Chris Watson: Mr. Watson came before the Board requesting that they consider waiving the impact fee for the new Arapahoe Charter School Building. He said believes it is a matter that has been made complicated. He said the Charter School is a public school that serves county children and two of the three public schools have received waivers.

The Board then turned their attention to the Consent Agenda.

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

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

Name	Year	Tax/Ticket	Reason	Amount
Caraway, Mary	2015	896000/6590101	Double Listed	\$ 55.55
Lupton, Chris	2015	30988/6582937	Double Listed	\$ 10.28
Bennett, George	2015	389000/6584600	Boat sold	\$ 19.95
Glasper, Ruth	2015	17201/6568525	SCE applied	\$ 206.09
Bartley, Daniel	2015	0039772/6565731	Boats in Florida	\$ 874.25
Hodges, Lula	2010	2423000/6391430	Owner deceased	\$ 5.35
Johnson, Turner	2015	2814750/6580086	MH repossed in 2014	\$ 58.65
Mason, Thomas	2015	22145/6573239	Boats in Florida	\$ 44.82
Minnesott Golf	12-15	3834000/6584506	Tennis Courts destroyed	\$ 807.48
Stamets, Russell	11-12	0035753/6463783	Clerical error	\$ 183.77
Koppernaes, J	2015	21051/6571886	Clerical error	\$ 35.00
Hulland, R	2015	0039855/6565822	Boat value appealed	\$ 281.32

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

Department: Water Department

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 2015-2016

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT(-) DECREASED
30-7140-518600	Workers Compensation		\$462.00
30-7120-518600	Workers Compensation	\$462.00	

Reason for Budget Revision: To move budget from water field operations to water department office budget.

Department: Board of Elections

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 2015-2016

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT(-) DECREASED
10-4170-512600	Salaries & Wages P/T		\$1,026.89
10-4170-535200	M & R Equipment	\$1,026.89	

Reason for Budget Revision: To cover expenses for an increase in voting equipment maintenance.

BE IT RESOLVED, the request from Vandemere Mayor Ms. Judy Thaanum for a transfer of ownership for the Flood Buy Out property JO32-12 to the Town of Vandemere is hereby approved.

BE IT RESOLVED, the request for the following Fiscal Year 2015 ROAP Grant to be submitted to the state is hereby approved.

ROAP (Rural Operating Assistance Program)

On behalf of the County, Pamlico County Human Services Center would like to apply for the Rural Operating Assistance Program grant for the FY 2015-2016 at the maximum amount of \$95,829. This is a state funded public transportation grant program administered by the North Carolina Department of Transportation Public Transportation Division (NCDOT-PTD).

ROAP consists of the following three programs: EDTAP (Elderly & Disabled Transportation Assistance Program), EMPL (Employment Transportation Assistance Program), and RGP (Rural General Public Program).

1. Elderly & Disabled Transportation Assistance (EDTAP) Program provides operating assistance for the public transportation of elderly and disabled citizens.
2. Employment Transportation Assistance Program provides operating assistance for the public transportation of persons with employment related transportation needs.
3. Rural General Public (RGP) Program provides operating assistance for the public transportation of persons living in non-urban areas of the county.

Funds are sub-allocated and dispersed between Pamlico County Human Services Center, Pamlico County Senior Services, Pamlico County Community College and Craven Area Rural Transit System (CARTS).

Programs	FY 2014-2015	FY 2015-2016	Difference
EDTAP	\$46,153	\$46,310	+ \$157
EMPL	\$5,229	\$5,363	+ \$134
RGP	\$42,892	\$44,156	+ \$1,264
Total	\$94,274	\$95,829	+ \$1,555

The Board then turned its attention to the Correspondence Agenda.

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

BE IT RESOLVED, the following requests from the Arapahoe Charter School are hereby approved.

- 1- Permit Arapahoe Charter School to tap into the 12 inch transmission main versus the 8 inch distribution main. Estimated savings of \$35,000 to \$40,000.**
- 2- Allow Arapahoe Charter School to install 4 inch pipe and connect to a 3 inch meter. Charge capital reserve fee for a 3 inch meter versus a 4 inch. Approximate savings \$30,000.**
- 3- Arapahoe Charter School will be allowed to install waterline extension, taps, and meter at county specifications. Water Department will waive tap on fee. Estimated savings \$500 to \$1,000.**
- 4- Give a credit of \$10,425 for abandoning and removing existing 2 inch meter. Savings of \$10,425.**
- 5- If allowed by fire code, install a fire hydrant along NC 306 adjacent to the school and reduce hydrant on school property. Estimated savings of \$2,000 - \$4,000.**
- 6- Pamlico County will give the Arapahoe Charter School \$10,425.00 from the General Fund. The Arapahoe Charter School will in turn pay the \$10,425.00 impact fee with those funds.**

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

BE IT RESOLVED, the request to look at the water policy and update it for considering the waiving of impact fees for County entities. Also place into the policy not allowing the tapping into transmission lines.

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

BE IT RESOLVED, the request from the Tax Administrator Kathy Tyndall to hire an Office Assistant is hereby approved. The department will continue to contract the Tax Assessment duties. Funds are available. The Tax Assessor position will not be filled.

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

BE IT RESOLVED, that County Manager Tim Buck is hereby directed to sign off on any Golden Leaf Grant Proposals.

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

BE IT RESOLVED, the request from Public Services Director Garry Cooper to replace the air conditioning unit serving the first floor of the courthouse is hereby approved.

BE IT FURTHER RESOLVED, Scott Plumbing will replace the unit at the cost of \$19,138 with a contingency allowance of \$1,914 (10%) for a total budget of \$21,052. Funds are available in the Public Building Capital Line

County Attorney Jim Hicks discussed the settlement offer with the State concerning a DSS issue. He requested that due to the case being settled that all closed session minutes concerning the case be released.

On a motion made by Commissioner Paul Delamar and seconded by Commissioner Kenny Heath, the Board unanimously agreed to open the closed session minutes concerning the case between the State and DSS.

**CLOSED SESSION OF THE PAMLICO COUNTY BOARD OF
COMMISSIONERS**

MONDAY JULY 6, 2015

The Pamlico County Board of Commissioners met in closed session under attorney/client privilege (N.C.G.S. § 143-318.11(a)(3) to discuss pending litigation between Pamlico County Department of Social Services and the North Carolina Department of Health and Human Services, Division of Social Services. All Commissioners were present with the 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.

Attorney David Baxter explained that the State of North Carolina intends to recoup approximately \$85,000.00 from Pamlico County Department of Social Services representing IV-E Adoption Assistance funding for two cases. Mr. Baxter explained that his office has filed a Petition for Contested Case Hearing and Motions for Temporary Restraining Order and Preliminary Injunction with the N.C. Office of Administrative Hearings on behalf of Pamlico County Department of Social Services to enjoin any recoupment. Mr. Baxter stated that he had not yet been informed by the Court as to whether the Motion for Temporary Restraining Order had been granted but would inform the County Manager when he receives confirmation of any Court action in this matter.

No action was taken.

**CLOSED SESSION OF THE PAMLICO COUNTY BOARD OF
COMMISSIONERS**

MONDAY JULY 20, 2015

The Pamlico County Board of Commissioners met in closed session under attorney/client privilege (N.C.G.S. § 143-318.11(a)(3) to discuss pending litigation between Pamlico County and the North Carolina Department of Health and Human Services, Division of Social Services. All Commissioners were present with exception of Commissioner Paul Delamar. Also present were Attorney David Baxter, County Manager Tim Buck and Clerk to the Board Kathy P. Cayton.

Attorney David Baxter explained that the State of North Carolina still intends to recoup approximately \$87,000.00 from Pamlico County Department of Social Services representing IV-E Adoption Assistance funding for two cases. Mr. Baxter explained that the Preliminary Injunction was denied by the Administrative Law Judge. Mr. Baxter explained that the State has indicated that they will voluntarily pay back a portion of that recoupment representing the State's share of payments made from 2011 to 2014 for the case of M.C.

Mr. Baxter explained that the case would progress to the hearing phase pending the outcome of any mediation.

No action was taken

**CLOSED SESSION OF THE PAMLICO COUNTY BOARD OF
COMMISSIONERS**

MONDAY AUGUST 17, 2015

The Pamlico County Board of Commissioners met in closed session under attorney/client privilege (N.C.G.S. § 143-318.11(a)(3)) to discuss pending litigation between Pamlico County and the North Carolina Department of Health and Human Services, Division of Social Services

Attorney David Baxter explained that the State of North Carolina is willing to discuss settlement of the recoupment amount for the case with the later adoption date. The Board instructed Mr. Baxter to attempt to settle the case and receive the most amount possible back from the State for the case that they are willing to negotiate. A lower threshold of \$32,000.00 was explained to Mr. Baxter. Mr. Baxter explained that he would attempt to settle the case within the guidelines set by the Board.

No formal action was taken on either matter.

**CLOSED SESSION OF THE PAMLICO COUNTY BOARD OF
COMMISSIONERS**

TUESDAY SEPTEMBER 8, 2015

The Pamlico County Board of Commissioners met in closed session under attorney/client privilege (N.C.G.S. § 143-318.11(a)(3)) to discuss pending litigation between Pamlico County and the North Carolina Department of Health and Human Services, Division of Social Services. All Commissioners were present as were Attorney Dave Baxter, County Manager Tim Buck and Clerk to the Board Kathy P. Cayton.

Attorney David Baxter explained that the State is recouping three DSS cases and Pamlico County preserved its right of appeal for two of the cases; therefore an amount of approximately \$52,000 is being appealed by Pamlico County. Mr. Baxter explained that after much negotiation, an offer to settle the appeal was made by the State in the amount of \$27,000 payable to Pamlico County, which is the maximum settlement threshold that is allowed by the State Treasurer for this case.

Mr. Baxter explained that it would be appropriate to open the approved closed session minutes regarding this matter once a settlement has been accepted and a dismissal has been filed. It would also be necessary to announce the settlement in open session as soon as a dismissal has been filed.

On a motion made by Commissioner Delamar and seconded by Commissioner Christine Mele, the Board unanimously agreed to accept the \$27,000 settlement and approve the settlement by way of resolution and to authorize the County Manager, the County Clerk, and the attorney of record to sign the settlement agreement on behalf of Pamlico County.

**RESOLUTION
Of
PAMLICO COUNTY**

WHEREAS, the powers enumerated in Article 2 of Section 153A of the North Carolina General Statutes allow a county to consider and enter into settlements to conclude litigation matters in which the county is involved; and

WHEREAS, Pamlico County (“County”) initiated a litigation matter against the North Carolina Department of Health and Human Services, Division of Social Services in the North Carolina Office of Administrative Hearings regarding the recoupment of IV-E Adoption Assistance funding for two adoption cases involving Pamlico County Department of Social Services (“Contested Case”); and

WHEREAS, County, by and through its attorney of record, has negotiated a settlement amount that all parties to the Contested Case have determined to be fair and in the best interest of judicial economy; and

WHEREAS, County wishes to approve a settlement in the Contested Case in the amount of Twenty-seven Thousand and 00/100 Dollars (\$27,000.00) payable to County through the requisite accounts of Pamlico County Department of Social Services.

NOW THEREFORE, be it RESOLVED that Twenty-seven Thousand and 00/100 Dollars (\$27,000.00) payable to County through the requisite accounts of Pamlico County Department of Social Services is accepted as a settlement of the Contested Case; and

FURTHER RESOLVED the County directs that the County Manager, County Clerk, and County Finance Officer have the authority to execute the settlement agreement, as necessary, on behalf of the County upon review and approval by the County Attorney, a copy of which is attached hereto as "Exhibit A" and is incorporated herein by reference ("Settlement Agreement"); and

FURTHER RESOLVED that the County directs the attorney of record to file a Voluntary Dismissal with Prejudice of the Contested Case as appropriate and in accordance with the terms of the negotiated Settlement Agreement.

Adopted this 8th day of September, 2015 by Pamlico County.

On a motion made by Commissioner Paul Delamar and seconded by Commissioner Carl Ollison, the Board went into closed session in accordance with G.S. 143.318.11(a) 6 to discuss a personnel matter.

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

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

BE IT RESOLVED, that an offer was made to Ms. Courtney Norfleet the position of Administrative Assistant / Clerk to the Board at a salary of \$30,000.00. Ms. Norfleet has accepted the position.

There being no further business on a motion made by Commissioner Kenny Heath and seconded by Commissioner Paul Delamar the Board adjourned until Monday October 5, 2015 at 7:00 p.m.

Chairman

Clerk to the Board