

## REGULAR SESSION OF THE PAMLICO COUNTY BOARD OF COMMISSIONERS

MONDAY, MAY 2, 2016

The Pamlico County Board of Commissioners met in regular session on Monday, May 2, 2016 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 Bill Fentress, and Clerk to the Board Courtney L. Norfleet.

Chairman Pat Prescott called the meeting to order.

Chairman Pat Prescott led the assemblage in a moment of silence and Pledge of Allegiance.

Chairman Pat Prescott asked if there were any corrections, additions, and/or deletions to the regular session minutes of the April 18, 2016 meeting. There being none, on a motion made by Commissioner Ed Riggs and seconded by Commissioner Christine Mele, the following resolution was unanimously approved.

**BE IT RESOLVED, the regular session minutes of the April 18, 2016 meeting are hereby approved and the Chairman's signature is authorized thereon.**

Chairman Pat Prescott asked if there were any additions and/or deletions to the Agenda, there was one (1).

- Set Public Hearing for amendments to the Pamlico County Subdivision Ordinance.

Chairman Pat Prescott asked if there were any members of the Public to speak during Public Comment Period. There was one (1).

1. Mr. Jamie Gibbs, Pamlico Community College: Mr. Gibbs invited all Commissioners to attend the 49<sup>th</sup> Commencement that is scheduled to take place on May 13, 2016 at 6:30 p.m. The speaker will be Dr. James Williamson. Mr. Williamson is the eighth (8<sup>th</sup>) System President for the North Carolina Community Colleges.

The Board then turned their attention to the Consent Agenda.

On a motion made by Commissioner Paul Delamar and seconded by Commissioner Christine Mele, item 1 – Budget Amendments (with Budget Amendments pertaining to Health Department moved to Correspondence Agenda), item 2 – Budget Amendment for Senior Meal Program moved to Correspondence Agenda, item 3 – Resolution Adopting a Policy for Mutual Aid with Sheriff's Office and 5 – RR Development North III,

LLC –v– Pamlico County Conclusion of Case and Release of Closed Session Minutes, and the request to table 4 were unanimously approved.

**BE IT RESOLVED, the following Budget Amendments are hereby approved.**

*Department:* Recreation 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
10-6120-512600	Salaries & Wages P/T		\$2,081.00
10-6120-519900	Contracted Services	\$2,081.00	

*Reason for Budget Revision:* To move funds to cover the cost for wire repair at the Alliance Recreation Park ballfield.

*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
30-7140-555000	Capital Outlay		\$30,000.00
30-7140-519900	Contracted Services	\$30,000.00	

*Reason for Budget Revision:* To move funds to cover expenses for the rest of the fiscal year.

*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 2015-2016**

<b>ACCOUNT NUMBER</b>	<b>ACCOUNT DESCRIPTION</b>	<b>AMOUNT (+) INCREASED</b>	<b>AMOUNT(-) DECREASED</b>
10-0600-434263	Insurance Claims Loss	\$402.80	
10-4380-535300	M & R Auto	\$402.80	

Reason for Budget Revision: To recognize insurance claim loss funds and increase associated expense line.

*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 2015-2016**

<b>ACCOUNT NUMBER</b>	<b>ACCOUNT DESCRIPTION</b>	<b>AMOUNT (+) INCREASED</b>	<b>AMOUNT(-) DECREASED</b>
10-5443-500000	Drug Test/Child Welfare	\$2,000.00	
10-0000-439900	Fund Balance Appropriated	\$2,000.00	

Reason for Budget Revision: To move funds needed for court ordered drug test for Child Welfare Services.

*Department:* Sheriff's Department

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**FISCAL YEAR 2015-2016**

<b>ACCOUNT NUMBER</b>	<b>ACCOUNT DESCRIPTION</b>	<b>AMOUNT (+) INCREASED</b>	<b>AMOUNT(-) DECREASED</b>
10-0200-434326	Jail Fees – Other		\$448.14
10-4310-529000 MAJ	Departmental Supplies (Major)	\$448.14	

Reason for Budget Revision: Reimbursement for equipment used on Operation Focal Point.

*Department:* Sheriff's Department

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**FISCAL YEAR 2015-2016**

<b>ACCOUNT NUMBER</b>	<b>ACCOUNT DESCRIPTION</b>	<b>AMOUNT (+) INCREASED</b>	<b>AMOUNT(-) DECREASED</b>
10-4310-535200	M & R Equipment		\$1,000.00
10-4310-529005	Safety Supply & Equipment		\$ 500.25
10-4310-539500	Training	\$1,500.25	

*Reason for Budget Revision:* To move funds to cover scheduled training for the remainder of the fiscal year.

*Department:* Recreation Department

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**FISCAL YEAR 2015-2016**

<b>ACCOUNT NUMBER</b>	<b>ACCOUNT DESCRIPTION</b>	<b>AMOUNT (+) INCREASED</b>	<b>AMOUNT(-) DECREASED</b>
10-6120-545000	Insurance & Bonds		\$200.00
10-6120-535100	M & R Grounds	\$100.00	
10-6120-535200	M & R Equipment	\$100.00	

*Reason for Budget Revision:* To move funds to cover budget shortfall.

*Department:* Recycling Department

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**FISCAL YEAR 2015-2016**

<b>ACCOUNT NUMBER</b>	<b>ACCOUNT DESCRIPTION</b>	<b>AMOUNT (+) INCREASED</b>	<b>AMOUNT(-) DECREASED</b>
10-4721-525100	Auto Supplies		\$3,000.00
10-4721-535200	M & R Equipment		\$1,000.00
10-4721-531000	Travel		\$ 100.00
10-4721-512200	Overtime		\$ 481.00
10-4721-519900	Contracted Services	\$4,000.00	
10-4721-521200	Uniforms	\$ 581.00	

*Reason for Budget Revision:* To move funds to cover budget shortfall.

*Department:* Maintenance Department

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**FISCAL YEAR 2015-2016**

<b>ACCOUNT NUMBER</b>	<b>ACCOUNT DESCRIPTION</b>	<b>AMOUNT (+) INCREASED</b>	<b>AMOUNT(-) DECREASED</b>
10-5000-529000	Departmental Supplies		\$3,000.00
10-5000-533002	Natural Gas		\$2,000.00
10-5000-535200	M & R Equipment		\$1,280.00
10-5000-555000	Capital Outlay		\$3,000.00
10-5000-512200	Overtime	\$6,280.00	
10-5000-535600	M & R Buildings	\$3,000.00	

*Reason for Budget Revision:* To move funds to cover budget shortfall.

*Department:* Recreation (White Goods)

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**FISCAL YEAR 2015-2016**

<b>ACCOUNT NUMBER</b>	<b>ACCOUNT DESCRIPTION</b>	<b>AMOUNT (+) INCREASED</b>	<b>AMOUNT(-) DECREASED</b>
10-0000-439900	Fund Balance Appropriated		\$1,885.30
10-0180-434720	White Goods Disposal Tax	\$1,885.30	

*Reason for Budget Revision:* To recognize unused funds from restricted fund that rolled into fund balance prior year.

*Department:* Cooperative Extension (Young Farmers)

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**FISCAL YEAR 2015-2016**

<b>ACCOUNT NUMBER</b>	<b>ACCOUNT DESCRIPTION</b>	<b>AMOUNT (+) INCREASED</b>	<b>AMOUNT(-) DECREASED</b>
10-0000-439900	Fund Balance Appropriated		\$6,495.57
10-0226-438330	Young Farmers	\$6,495.57	

*Reason for Budget Revision:* To recognize unused funds that rolled into fund balance prior year.

*Department:* County Manager

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**

<b>ACCOUNT NUMBER</b>	<b>ACCOUNT DESCRIPTION</b>	<b>AMOUNT (+) INCREASED</b>	<b>AMOUNT(-) DECREASED</b>
10-4120-535300	M & R Auto		\$125.00
10-4120-529000	Departmental Supplies	\$125.00	

Reason for Budget Revision: To move funds to cover the expense of 3-ring binders for budget.

*Department:* Maintenance

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**

<b>ACCOUNT NUMBER</b>	<b>ACCOUNT DESCRIPTION</b>	<b>AMOUNT (+) INCREASED</b>	<b>AMOUNT(-) DECREASED</b>
10-4110-555001	Special Board Projects		\$213.49
10-5000-549959	Courtroom/Clerk of Court	\$213.49	

Reason for Budget Revision: To move funds to cover the cost of a new chair for the Clerk of Court office.

*Department:* Senior Services

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**FISCAL YEAR 2015-2016**

<b>ACCOUNT NUMBER</b>	<b>ACCOUNT DESCRIPTION</b>	<b>AMOUNT (+) INCREASED</b>	<b>AMOUNT(-) DECREASED</b>
10-0000-439900	Fund Balance Appropriated	\$13,000.00	
10-4934-522000	Food & Provisions	\$13,000.00	

Reason for Budget Revision: To move funds to cover the cost of meals for our seniors for the rest of the fiscal year.

**BE IT RESOLVED, the request for approval of Resolution Adopting a Policy for Mutual Aid with Sheriff's Office is hereby approved.**

**RESOLUTION ADOPTING A POLICY FOR MUTUAL ASSISTANCE WITH OTHER LAW ENFORCEMENT AGENCIES**

*WHEREAS*, pursuant to North Carolina General Statutes § 160A-288, the governing body of a county may adopt appropriate guidelines for the purpose of mutual assistance with other municipal and county law enforcement agencies; and

*WHEREAS*, pursuant to said laws, the law enforcement assistance to be rendered authorizes lending officers to work temporarily with officers of the requesting agencies, including in an undercover capacity, and lending equipment and supplies; and

*WHEREAS*, it is deemed to be in the best interests of the citizens of Pamlico County to adopt a reasonable policy and guidelines whereby reciprocal law enforcement assistance can be both rendered to and obtained from other governmental jurisdictions; and

*WHEREAS*, such reciprocal assistance is necessary for effective law enforcement for the protection of the citizens of Pamlico County;

***NOW, THEREFORE, BE IT RESOLVED BY THE PAMLICO COUNTY BOARD OF COUNTY COMMISSIONERS THAT:***

1. The Sheriff is hereby authorized to enter into mutual assistance arrangements with other municipal and county law enforcement agencies, provided that the head of the requesting law enforcement agency makes such a request in writing.

2. The Sheriff is hereby authorized to permit officers of the Pamlico Sheriff's Office to work temporarily with officers of the requesting agency, including in an undercover capacity, and the Sheriff may lend such equipment and supplies to requesting agencies as he deems advisable.

3. All such request and authorizations shall be in accordance with North Carolina General Statutes § 160A-288, as applicable.

4. While working with a requesting agency, an officer shall have the same jurisdiction, powers, rights, privileges and immunities (including those relating to the defense of civil actions and payment of judgments) as the officers of the requesting agency in addition to those the officer normally possesses.

5. While on duty with the requesting agency, an officer shall be subject to the lawful operational commands of the officer's superior officers in the requesting agency, but the officer shall for personnel and administrative purposes, remain under the control of the

officer's own agency, including for purposes of pay. An officer shall furthermore be entitled to worker's compensation and the same benefits to the extent as though he were functioning within the normal scope of the officer's duties.

6. The Sheriff is hereby authorized to enter into mutual assistance agreements with other law enforcement agencies in accordance with such reasonable arrangements, terms and conditions as may be agreed upon between the respective heads of the law enforcement agencies.

Commissioner Paul Delamar moved for the adoption of the foregoing resolution. Commissioner Christine Mele seconded the motion and, upon vote, the same was

adopted. This the 02 day of May, 2016.

**BE IT RESOLVED, the request for Budget Work Session for the week of May 11<sup>th</sup> was tabled.**

**BE IT RESOLVED, the request for approval of RR Development North III, LLC –v– Pamlico County Conclusion of Case and Release of Closed Session Minutes is hereby approved.**

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

**MONDAY SEPTEMBER 16, 2013**

The Pamlico County Board of Commissioners met in closed session in accordance with N.C.Gen.Stat. §143-318.11(a)(3) (Attorney-Client Privilege) to discuss a request for tax refunds from 2008 for the Cutter Bay Subdivision. All Commissioners were present. Also present were County Attorney Jim Hicks, County Manager Tim Buck, Clerk to the Board Kathy P. Cayton, and Finance Officer Mary Jane Westphal.

County Attorney Hicks advised the Board that the owners of the Cutter Bay Subdivision had filed a request for refund for 2008 ad valorem taxes, in the amount of \$312,316.12. Attorney Hicks advised the Board as to the potential legal issues and provided legal advice and analysis as to the same. Although the request for refund was characterized as an "illegal" tax, Attorney Hicks advised the Board that the claims were actually related to valuation issues. The distinction as to the basis for the claims is important, as the Statute of Limitations to file a claim over valuation has run; although a claim for illegal taxes was not yet barred by the Statute of Limitations.

It was the consensus of the Board that the claims were related to valuation, and not an illegal tax. It was further the consensus of the Board that the request for refund should not be granted; but that such action would not be taken until Attorney Hicks could



prepare a memorandum to the Board as to the legal issues presented by the request for refund.

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

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

**MONDAY MAY 5, 2014**

The Pamlico County Board of Commissioners went into closed session pursuant to attorney-client privilege under N.C. Gen. Stat. § 143-318.11(a)(3) to discuss *RR Development North III, LLC v. Pamlico County and Kathryn Tyndall a/k/a Kathy Tyndall* in her capacity as Pamlico County Assessor, file number 14-CVS-50 filed with the N.C. General Court of Justice in Pamlico County. All Commissioners were present. Also present were Attorney Dave Baxter, County Manager Tim Buck, Finance Officer Bill Fentress and Clerk to the Board Kathy P. Cayton.

Attorney Baxter briefly discussed the issues raised by the Plaintiff's complaint and recommended to the Board that Pamlico County retain Shelly Eason on a consulting basis and possibly as co-counsel in this matter.

The Board discussed Attorney Baxter's recommendation and Attorney Baxter was given direction to bring information back to the Board regarding the pertinent terms for engaging Attorney Eason by the next regular meeting.

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

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

**Monday, May 19, 2014**

The Pamlico County Board of Commissioners met in closed session in accordance with N.C.Gen.Stat. §143-318.11(a)(3) (Attorney-Client Privilege) to discuss the lawsuit of *RR Development North III, LLC vs. Pamlico County*, which lawsuit seeks a refund of taxes from 2008 and 2009 in relation to the Cutter Bay Subdivision. All Commissioners were

present. Also present were County Attorney Jim Hicks, County Manager Tim Buck, Clerk to the Board Kathy P. Cayton, and Finance Officer Bill Fentress.

County Attorney Hicks advised the Board that the lawsuit had been referred to the County's insurance carrier, which was providing a defense under a right of reservation. Mr. Hicks advised that he believed the lawsuit was an attempt to characterize a claim for refund (which would be barred by the statute of limitations) as an illegal tax and an unconstitutional act (which would not be barred by the statute of limitations). Mr. Hicks also stated that he had been in discussion with Jim Morgan of the law firm Womble Carlyle, which would be providing the defense; and that they agreed the best course of action would be to first file a motion to remove the case to federal court, based on various claims asserted by the plaintiff. Further discussion was had, and no action was taken.

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

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

**MONDAY JULY 21, 2014**

The Pamlico County Board of Commissioners went into closed session on Monday July 21, 2014 pursuant to attorney-client privilege under N.C. Gen. Stat. § 143-318.11(a)(3) to discuss RR Development North III, LLC v. Pamlico County and Kathryn Tyndall a/k/a Kathy Tyndall in her capacity as Pamlico County Assessor, file number 14-CVS-50 filed with the N.C. General Court of Justice in Pamlico County. All Commissioners were present with exception of Commissioners Paul Delamar and Jimmy Spain. Also present were Attorney Dave Baxter, County Manager Tim Buck, Finance Officer Bill Fentress and Clerk to the Board Kathy P. Cayton.

Attorney Baxter briefly discussed that the case has been remanded from Federal Court back to Pamlico County Superior Court.

The Board discussed the issues to be determined by the Court.

The Board took no action in closed session.

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

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

**TUESDAY SEPTEMBER 2, 2014**

The Pamlico County Board of Commissioners went into closed session on Tuesday September 2, 2014 in pursuant to attorney-client privilege under N.C. Gen. Stat. § 143-318.11(a)(3) to discuss R.R. Development North II, LLC v. Pamlico County. All Commissioners were present with exception of Commissioners Pat Prescott and Kenny Heath. Also present were Attorney Dave Baxter, County Manager Tim Buck, Finance Officer Bill Fentress and Clerk to the Board Kathy P. Cayton.

Attorney Baxter briefly discussed that he has been working with opposing counsel to calendar the County's motion to dismiss in the R.R. Development North III, LLC matter.

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

**CLOSED SESSION MINUTES  
OF THE  
PAMLICO COUNTY BOARD OF COMMISSIONERS  
MONDAY OCTOBER 20, 2014**

The Pamlico County Board of Commissioners met in closed session in accordance with N.C.Gen.Stat. §143-318.11(a)(3) (Attorney-Client Privilege) to discuss the lawsuit of *RR Development North III, LLC vs. Pamlico County*, which lawsuit seeks a refund of taxes from 2008 and 2009 in relation to the Cutter Bay Subdivision. Commissioners Mele, Heath, Holton and Prescott were present. Commissioners Delamar, Ollison and Spain were absent. Also present were County Attorney Jim Hicks, County Manager Tim Buck, Clerk to the Board Kathy P. Cayton, and Finance Officer Bill Fentress.

County Attorney Hicks updated the Board as to the status of the lawsuit. He explained that a Motion to Dismiss had been filed and argued, but that Judge Alford had not yet

ruled. Mr. Hicks further explained that the likelihood of the motion being granted was minimal, but was a necessary step to take to fully protect the County. He advised the Board as to the expected process and course the suit would take assuming the Motion was denied, and further advised that there would be other opportunities to have the suit dismissed before trial.

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

**CLOSED SESSION OF THE PAMLICO COUNTY BOARD OF COMMISSIONERS  
MONDAY NOVEMBER 3, 2014**

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, RR Development North III, LLC v. Pamlico County et al. All Commissioners were present with exception of Commissioner Ann Holton. 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 updated the Board on the status of Pamlico County's hearing on its motion to dismiss.

The Board took no action.

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

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

**MONDAY JUNE 1, 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, RR Development North III, LLC v. Pamlico County et al. All Commissioners were present with exception of Commissioner Kenny Heath. 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 updated the Board on the status of the pending litigation filed by RR Development North III, LLC with regard to the preparation and filing of a Motion for

Summary Judgment on behalf of Pamlico County and Kathy Tyndall, in her official capacity.

On a motion made by Commissioner Ed Riggs and seconded by Commissioner Paul Delamar the Board unanimously agreed to go back into open session.

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 the pending litigation between RR Development North III, LLC and Pamlico County and Kathryn Tyndall.

Mr. Baxter informed the Board that discovery depositions of two (2) managers and one (1) former manager of R.R. Development North III, LLC would take place on August 26, 2015 at the office of Sumrell, Sugg, Carmichael, Hicks and Hart, P.A.

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

No formal action was taken.

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

**MONDAY, DECEMBER 7, 2015**

**1 OF 2**

The Pamlico County Board of Commissioners met in closed session in accordance with N.C.G.S. §§ 143-318.11(a)(3) to discuss ongoing litigation matters in *R. R. Development North III, LLC v. Pamlico County and Kathryn Tyndall* on Monday, December 7, 2015 in the Patsy H. Sadler Room of the Pamlico County Courthouse. All Commissioners were present with the exception of Commissioner Mele. Also present were Attorney David Baxter, County Manager Tim Buck, Finance Officer Bill Fentress, and Clerk to the Board Courtney L. Norfleet.

Attorney Baxter updated the Board on the case involving *R. R. Development North III, LLC*. Mr. Baxter informed the Board that he was prepared to file Defendants' Motion and Memorandum in Support of Summary Judgment, but opposing counsel has

requested to take the deposition of a representative from Assessment Solutions, the contractor used by the County to create its Uniform Schedule of Values and to assist its last revaluation. The Board further discussed the selection of a representative from Assessment Solutions to be deposed by opposing counsel.

No action was taken on this item.

**CLOSED SESSION MINUTES  
OF THE  
PAMLICO COUNTY BOARD OF COMMISSIONERS  
1 of 2**

**Tuesday, January 19, 2016**

The Pamlico County Board of Commissioners met in closed session in accordance with N.C.Gen.Stat. §143-318.11(a)(3) (Attorney-Client Privilege) to discuss the lawsuit of *RR Development North III, LLC vs. Pamlico County*, which lawsuit seeks a refund of ad valorem taxes from 2008 and 2009 in relation to the Cutter Bay Subdivision. Commissioners Prescott, Mele, Delamar, Heath, Holton and Riggs were present. Commissioner Ollison was absent. Also present were County Attorney Jim Hicks, County Manager Tim Buck, Clerk to the Board Courtney Norfleet, and Finance Officer Bill Fentress.

County Attorney Hicks updated the Board as to the status of the lawsuit. He explained that discovery was completed, and that dispositive motions had been filed, with a hearing date in the near future. Mr. Hicks further provided his analysis and likelihood of winning at the trial level, and if necessary at the Appellate level. He then advised the Board that opposing counsel had inquired as to whether the County would be interested in a potential settlement of the lawsuit. After further discussion by the Board, it was the consensus of the Board that no settlement negotiations be entertained at this time.

After five minutes of discussion, on a motion made by Commissioner Christine Mele and seconded by Commissioner Kenny Heath, the Board went back into open session.

Commissioner Paul Delamar made a motion to disapprove two Budget Amendments, seconded by Commissioner Carl Ollison; the motion died for lack of majority vote with Commissioners Kenny Heath, Ann Holton, Christine Mele, and Ed Riggs cast dissenting votes.

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

**BE IT RESOLVED, the following Budget Amendments are hereby approved.**

*Department:* Health 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**

<b>ACCOUNT NUMBER</b>	<b>ACCOUNT DESCRIPTION</b>	<b>AMOUNT (+) INCREASED</b>	<b>AMOUNT(-) DECREASED</b>
10-5180-512100	Salaries & Wages		\$3,000.00
10-5180-531000	Travel	\$2,500.00	
10-5180-529000	Departmental Supplies	\$ 500.00	

Reason for Budget Revision: To move funds to cover the cost of required training for the new Environmental Health Specialist.

*Department:* Health Department

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**FISCAL YEAR 2015-2016**

<b>ACCOUNT NUMBER</b>	<b>ACCOUNT DESCRIPTION</b>	<b>AMOUNT (+) INCREASED</b>	<b>AMOUNT(-) DECREASED</b>
10-5111-519900	Contracted Services		\$500.00
10-5111-532000	Telephone		\$500.00
10-5111-529000	Departmental Supplies	\$1,000.00	

Reason for Budget Revision: To move funds to replace the ID machine so that we are able to pull down our BT funds in the WIRM.

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

**BE IT RESOLVED, the request for approval of Asset Inventory and Assessment Plan for Water System is hereby approved.**

On a motion made by Commissioner Paul Delamar and seconded by Commissioner Christine Mele, the request to discuss bear hunting regulations was tabled.

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

**BE IT RESOLVED, the Pamlico County Board of Commissioners set a Public Hearing for Monday, May 16, 2016 at 7:00 p.m. in the Patsy H. Sadler Room of the Pamlico County Courthouse to inform the Public of proposed amendments to the Subdivision Ordinance.**

On a motion made by Commissioner Christine Mele and seconded by Commissioner Paul Delamar, The Pamlico County Board of Commissioners met in closed session pursuant to N.C.G.S. §§143.318.11(a) 6 to discuss personnel matters.

On a motion made by Commissioner Paul Delamar 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 Paul Delamar and seconded by Commissioner Kenny Heath, the Board adjourned until Monday, May 16, 2016 at 7:00 p.m.

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Chairman

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Clerk to the Board