

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

**MONDAY, DECEMBER 5, 2016**

The Pamlico County Board of Commissioners met in regular session on Monday, December 5, 2016 at 7:00 pm in the Patsy H. Sadler Room of the Pamlico County Courthouse. All Commissioners were present. Also present were County 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 recognized Boy Scouts Troop # 683 to do the Invocation and lead the assemblage in the Pledge of Allegiance.

Chairman Pat Prescott asked if there were any corrections, additions and/or deletions to the regular minutes of the November 21, 2016 meeting. 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 regular session minutes of the November 21, 2016 meeting are hereby approved with the Chairman's signature authorized thereon.**

Commissioner Carl Ollison arrived.

Chairman Pat Prescott recognized Mr. Graham Groves as a member of the Public to speak about the Solar Ordinance.

Mr. Groves asked if the Commissioners received the letter he sent them. Each Commissioner verified that they did indeed receive the letter.

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

**BE IT RESOLVED, the Solar Ordinance is hereby approved.**

**PAMLICO COUNTY, NORTH CAROLINA  
ORDINANCE REGULATING THE CONSTRUCTION, OPERATION  
AND MAINTENANCE OF SOLAR ENERGY FACILITIES**

**SECTION I  
STATEMENT OF CONSISTENCY**

The proposed Ordinance is found to be consistent with Pamlico County's Land Use Plan, and other land use regulations, ordinances and policies; and otherwise promotes the public health, safety and general welfare. Therefore, the Ordinance is hereby adopted as set forth here.

**SECTION II  
TITLE AND PURPOSE**

**A. Title.**

This Ordinance may be known and may be cited as "Ordinance Regulating the Construction, Operation and Maintenance of Solar Energy Facilities."

**B. Purposes and objectives.**

The purposes and objectives for which this Ordinance is passed are as follows:

1. To preserve the dignity and aesthetic quality of the environment in Pamlico County.
2. To preserve the physical integrity of land in close proximity to residential areas
3. To protect and enhance the economic viability and interests of the citizens and residents of Pamlico County who have made substantial financial investments in homes and businesses in Pamlico County.

**SECTION III  
DEFINITIONS**

For the purpose of this Ordinance, certain terms and words are hereby defined; words used in the present tense shall include the future; words used in the singular number shall include the plural number; and the plural the singular; and the word "shall" is mandatory and not discretionary.

**“Building”** Any structure having a roof supported by columns or walls, and designated or intended for the shelter, support, enclosure or protection of persons, animals or chattels.

**“Fence”** A continuous barrier extending from the surface of the ground to a uniform height of not less than six feet from the ground at any given point, constructed of dirt, wood, stone, steel, or other metal, or any substance of a similar nature and strength.

**“Gate”** A door or other device attached to a fence which, when opened, provides a means of ingress and egress of persons and things for which it was intended, and which, when closed, forms a continuous barrier as a part of the fence to which it is attached.

**“Improved Area”** Area containing solar panels, electrical inverters, storage buildings and access roads.

**“Opaque Fence”** A continuous opaque (non-transparent), unperforated barrier extending from the surface of the ground to a uniform height of not less than 10 feet from the ground at any given point, constructed of dirt, wood, stone, steel, or other metal, or any substance of a similar nature and strength which will hide the Solar Energy Facility.

**“Photovoltaic”** A material or device in which electricity is generated as a result of exposure to light.

**“Public Road”** Any road or highway which is now or hereafter designated and maintained by the North Carolina Department of Transportation as part of the State Highway System, whether primary or secondary, hard-surfaced or other dependable roads. Setbacks for improved areas shall be measured from the road right of way.

**“Residence”** A building used as a dwelling for one or more families or persons.

**“Solar Energy Facility”** An energy facility or area of land principally used to convert solar energy to electricity, which includes, but is not limited to, the use of one or more solar energy systems. This definition shall exclude those facilities that are installed on the roof of a building, the primary purpose of such building not being for the commercial production of solar energy and those facilities that contain an Improved Area less than or equal to 10 acres in the aggregate.

#### **SECTION IV** **PROHIBITION**

It shall be unlawful after the effective date of this Ordinance for any person, firm, or corporation, or other legal entity to operate, maintain or establish in any unincorporated area of Pamlico County a Solar Energy Facility which the site plan has not been approved by the Pamlico County Planning Board. Modifications to an existing Solar Energy Facility that increases the area by more than 20% of the original footprint or changes the solar panel type shall be subject to this Ordinance.

#### **SECTION V** **LOCATION**

The following provisions shall apply to the location of all Solar Energy Facilities and Improvement Areas:

- A. Improved areas shall not be located in a federally designated Special Flood Hazard Area.
- B. All site plans for Solar Energy Facilities located in areas covered by the most recent AICUZ report or subsequent reports must be sent to the North Carolina Department

of Military and Veterans Affairs and the North Carolina Commanders' Council for comment within 21 days from the date the site plans are sent.

- C. All Improved Areas shall be at least 100 feet from a public road and 25 feet from the fence line.
- D. Improved Areas shall be at least 100 feet from any contiguous property line not associated with a Solar Energy Facility.
- E. All access roads and storage areas shall be established on a 30-foot minimum easement to a public right-of-way.
- F. All Solar Energy Facilities shall either have:
  - (1) a minimum landscape buffer of 25 feet containing evergreen trees or bushes planted no more than 8 feet apart and at least four feet tall at time of planting. The buffer shall obtain a height of 10 feet within 3 growing seasons. The trees or bushes may be trimmed but no lower than a height of 10 feet; or
  - (2) an Opaque Fence with a continuous height of 10 feet on each side necessary to hide the Solar Energy Facility from plain view.

#### **ARTICLE VI**

#### **ENCLOSURE FENCING AND SECURITY**

Solar energy facilities shall be fenced completely by a continuous barrier extending from the surface of the ground to a uniform height of not less than 6 feet from the ground at any given point, constructed of dirt, wood, stone, steel, or other metal, or any substance of a similar nature and strength. The perimeter fence shall be designed to restrict unauthorized access.

#### **ARTICLE VII**

#### **SUPPLEMENTAL REGULATIONS**

- A. The manufacturers or installer's identification and appropriate warning sign shall be posted on or near the panels in a clearly visible manner.
- B. On site power lines between solar panels and inverters shall be placed underground.
- C. The design of Solar Energy Facilities buffers shall use materials, colors, textures, screening and landscaping, that will blend the facility into the natural setting and existing environment.
- D. If the Solar Energy Facility consists of batteries or storage of batteries, adequate design must be provided to ensure all local, state and federal requirements regulating outdoor battery storage have been met.

- E. The applicant must obtain from NC Department of Transportation a driveway permit.
- F. The design and construction of Solar Energy Facilities shall not produce light emissions, either direct or indirect (reflective), that would interfere with pilot vision and/or traffic control operations as stated in the most recent AICUZ report, as well as low level military training routes as then utilized by any branch of the US Department of Defense.
- G. The design and construction of Solar Energy Facilities shall not produce electrical emissions that would interfere with aircraft communications systems or navigation equipment as stated in the most recent AICUZ report, as well as low level military training routes as then utilized by any branch of the US Department of Defense.
- H. A copy of the application to the utility company that will be purchasing electricity from the proposed site shall be provided to the county.
- I. An affidavit or evidence of an agreement between the lot owner and the facility's owner or operator confirming the owner or operator has permission of the property owner to apply for the necessary permits for construction and operation of the Solar Energy Facility.
- J. Any other relevant studies, reports, certificates and approval as may be reasonably required by Pamlico County.
- K. A description of the proposed technology to include type of solar panel and system, fixed mounted verses solar tracking, number of panels, and angles of orientation.
- L. An information sign shall be posted and maintained at the entrance(s) which lists the name and phone number of the operator.
- M. It is the responsibility of the parcel owner to remove all obsolete or unused systems within 12 months of cessation of operations. Reusable components are to be recycled whenever possible.
- N. A copy of all permits and/or approvals issued by the North Carolina Utilities Commission.
- O. Each owner, operator or maintainer of a Solar Energy Facility to which this Ordinance applies shall utilize good husbandry techniques with respect to said vegetation, including but not limited to, proper pruning, proper fertilizer, and proper mulching, so that the vegetation will reach maturity as soon as practical and will have maximum density in foliage. Dead or diseased vegetation shall be removed and must be replanted at the next appropriate planting time. Plants or grasses not part of landscaping shall be maintained by the facility operator not to exceed 12 inches in height.

**ARTICLE VIII**  
**SITE PLAN REQUIRED**

- A. Owners or operators of Solar Energy Facilities established after the effective date of this Ordinance shall present 3 copies of a site plan, which conform to the standards of this Ordinance to the Planning Board. The site plan shall include setbacks, panel sizes, and location of property lines, buildings and road rights-of-way.
- B. The Planning Board shall review the site plan to insure conformity with the requirements of this Ordinance. No new Solar Energy Facility shall be operated until the site plan has been approved by the Planning Board; provided, however, that if the Planning Board has not taken action within 90 days after the first Planning Board meeting after the submission of the site plan, said site plan will be deemed to be approved.
- C. Planning Board may recommend to the Board of Commissioners that a variance be granted from these regulations, and the Board of Commissioner may grant such a variance, when, in each Board's opinion, undue hardship may result from strict compliance. In recommending or granting any variance, both Boards shall make the findings required below, taking into account the nature of the proposed subdivision, the existing use of land in the vicinity, the number of persons to reside or work in the vicinity of the Solar Energy Facility, and the probable effect of the Solar Energy Facility upon traffic conditions in the vicinity. No variance shall be granted unless both Boards find:
  - 1. That there are special topographical or environmental circumstances or conditions affecting said property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land; and
  - 2. That the granting of the variance will not be detrimental to the purpose of this ordinance, public health, safety and welfare or injurious to other property in the territory in which said property is situated.

In recommending or granting variances, the relevant Board may require such conditions as will secure, insofar as practicable, the objectives or requirements varied. Any variance thus recommended is required to be entered in writing in the minutes of the appropriate Board and the reasoning upon which departure was justified set forth.

- D. Prior to final inspection, proof must be submitted that a permit has been issued in accordance with applicable provisions of the General Statutes by the State of North Carolina.
- E. Appeals of all matters under this Ordinance shall be to the Board of Commissioners.

**ARTICLE IX**  
**ABANDONMENT AND DECOMMISSIONING PLAN**

**A. Abandonment**

1. A Solar Energy Facility that ceases to produce energy on a continuous basis for 12 months will be considered abandoned unless the current responsible party (or parties) with ownership interest in the Solar Energy Facility provides substantial evidence (updated every 6 months after 12 months of no energy production) to the Chief Building Inspector or his designee of the intent to maintain and reinstate the operation of that facility. It is the responsibility of the responsible party (or parties) to remove all equipment and facilities and restore the parcel to its condition prior to development of the Solar Energy Facility.
2. Upon determination of abandonment, the Chief Building Inspector shall notify the party (or parties) responsible they must remove the Solar Energy Facility and restore the site to its condition prior to development of the Solar Energy Facility within 360 days' of notice by the Chief Building Inspector or his designee.
3. If the responsible party (or parties) fails to comply, the Chief Building Inspector or his designee may remove the Solar Energy Facility, sell any removed materials, and initiate judicial proceedings or take any other steps legally authorized against the responsible parties to recover the costs required to remove the Solar Energy Facility and restore the site to a non-hazardous pre-development condition.

## **B. Decommissioning**

1. A decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) addressing the following shall be submitted prior to the issuance of the development permit:
  - a. Defined conditions upon which decommissioning will be initiated (i.e. end of land lease, no power production for 12 months, abandonment etc.)
  - b. Removal of all non-utility owned equipment, conduit, structures, fencing, roads, solar panels and foundations.
  - c. Restoration of property to condition prior to development of the Solar Energy Facility.
  - d. The timeframe for completion of decommissioning activities.
  - e. Description of any agreement (e.g. lease) with landowner regarding decommissioning.
  - f. The party currently responsible for decommissioning.
  - g. Plans for updating this decommissioning plan.
  - h. A form of surety equal to 125% of the entire cost of decommission under the plan, as estimated by a North Carolina licensed engineer under seal, and approved by the County Chief Building Inspector and County Attorney, either through cash, a surety performance bond, irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the County or in escrow with a financial institution designated as an official depository of the County. This surety shall be retained by the County to cover the cost of the decommissioning requirements herein. Following initial submittal of the surety, the cost calculation shall be reviewed annually, and adjusted accordingly based

upon an updated estimate of a North Carolina licensed engineer under seal, of the estimated decommissioning costs; provided however, any such periodic adjustment must be approved by the Planning Board. Failure to comply with any requirement of this paragraph shall result in the immediate termination and revocation of all prior approvals and permits; further, County shall be entitled to make immediate demand upon, and/or retain any proceeds of, the surety, which shall be used for decommissioning and/or removal of the Solar Energy Facility, even if still operational.

**SECTION X**  
**AVIATION NOTIFICATION**

- A. For consideration of potential impacts to Cherry Point MCAS and Seymour Johnson AFB flying operations, notification of intent to construct an Solar Energy Facility shall be sent to the respective Base Commanders or designated officials 30 days before the regularly scheduled Planning Board meeting. Notification shall include location of Solar Energy Facility (i.e. map, coordinates, address, or parcel ID), technology (i.e. roof-mounted PV, ground-mounted fixed PV, tracked PV, solar thermal, etc.), and the area of system (e.g. 5 acres). Proof of delivery of notification and date of delivery shall be submitted with permit application.
- B. For consideration of potential impacts to civilian flight paths for airport operations located within 5 nautical miles from an airport listed in the National Plan of Integrated Airport Systems, notification of intent to construct a Solar Energy Facility shall be sent to the airport manager or designated official and the Federal Aviation Administration's (FAA) Airport District office (ADO) with oversight of North Carolina. Notification shall include location of the Solar Energy Facility (i.e. map, coordinates, address, or parcel ID), technology (i.e. roof-mounted PV, ground-mounted fixed PV, tracked PV, solar thermal, etc.), and the area of system (e.g. 5 acres). Proof of delivery of notification and date of delivery shall be submitted with permit application. The airport must be given 30 days for review.
- C. For consideration of potential impacts to civilian flight paths for airport operations located within 5 nautical miles from an airport not listed in the National Plan of Integrated Airport Systems, except military airports, notification of intent to construct a Solar Energy Facility shall be sent to the airport manager or designated official. Notification shall include location of Solar Energy Facility (i.e. map, coordinates, address, or parcel ID), technology (i.e. roof-mounted PV, ground-mounted fixed PV, tracked PV, solar thermal, etc.), and the area of system (e.g. 5 acres). Proof of delivery of notification and date of delivery shall be submitted with permit application. The airport must be given 30 days for review.
- D. After receiving notification of intent to construct a Solar Energy Facility as described in this Ordinance; if requested, the proponent of the Solar Energy Facility shall use the latest version of the Solar Glare Hazard Analysis Tool (SGHAT), per its user's manual to evaluate the solar glare aviation hazard, as indicated below:



1. Airport operations at an airport in the National Plan of Integrated Airport Systems (NPIAS) within 5 nautical miles of the center of a proposed Solar Energy Facility: provide required SGHAT analysis information to the airport manager or designated official and the Federal Aviation Administration's (FAA) Airport District office (ADO) with oversight of North Carolina.
2. Airport operations at airport *not* in the NPIAS, except military airports, within 5 nautical miles of the center of proposed Solar Energy Facility: provide required SGHAT analysis information to the management of the airport for non-military airports.

The full report for each flight path and observation point, as well as the contact information for the zoning administrator, shall be sent to the authority indicated below at least 30 days prior to site plan approval. Proof of delivery of notification and date of delivery shall be submitted with permit application.

- E. Proposed Solar Energy Facilities within the Cherry Point MCAS Airspace Control Surfaces Area as defined in the most recent Air Installation Compatible Use Zones (AICUZ) or subsequent AICUZ reports will be evaluated for potential impacts to Cherry Point MCAS and Seymour Johnson AFB flying operations as described below.
1. After receiving notification of intent to construct a Solar Energy Facility as described in this section (to include all SGHAT PV parameters), the Cherry Point MCAS Base Commander or designated official will notify the designated Pamlico County official if the SGHAT needs to be utilized by the Solar Energy Facility proponent or not.
  2. If the SGHAT does not need to be utilized, the Cherry Point MCAS Commander or designated official will respond to the designated Pamlico County official.
  3. If the SGHAT does need to be utilized, the Solar Energy Facility proponent shall contact the Cherry Point Base Commander or designated official to receive the military data needed for the SGHAT (e.g., locations, increments, and elevations of observation points, as well as air traffic control tower information). The SGHAT shall be used per its user manual and reports must be run over the entire calendar year (each time zone). Upon receiving the SGHAT reports, the Cherry Point Base Commander or designated official will respond to the designated Pamlico County official.
- F. Any applicable Solar Energy Facility design changes (e.g. module tilt, module reflectivity, etc.) after initial submittal shall be rerun in the SGHAT tool and the new full report shall be sent without undue delay in accordance with the same provisions of this Ordinance as the original report.

**SECTION XI**  
**VIOLATION SHALL BE A MISDEMEANOR**

- A. Any person, firm, corporation, or other entity who maintains or operates or who controls the maintenance of a Solar Energy Facility in violation of this Ordinance shall be guilty of a misdemeanor and subject to prosecution, and if convicted, shall be punished by a fine not to exceed \$500.00 or by imprisonment not to exceed 30 days, or both, in the discretion of the court. Each day that said Solar Energy Facility shall be maintained or operated in violation of this Ordinance shall constitute a separate and distinct offense.
- B. Any act constituting a violation of the provisions of this Ordinance or a failure to comply with any of its requirements shall subject the offender to a civil penalty of \$500.00. If the offender fails to remedy the violation and pay any civil penalty within 30 days after being cited for said violation (or within the time prescribed by a citation if it provides for a longer period of time than 30 days), the civil penalty may be recovered in a civil action in the nature of a debt. Civil penalties begin to accrue from the date of the first notice of violation. Such civil penalties shall be in addition to the abatement costs assessed pursuant to this Ordinance.
- C. Each day that any violation continues, regardless of the date of notice, shall be considered a separate offense for purposes of the penalties and remedies specified in this section. In such an event, civil penalties begin to accrue from the date of the first notice of violation. For continuing violations, the initial citation and requirement that the civil penalty be paid within the time prescribed therein shall be the only notice required to be given; and shall be deemed to be an on-going citation and notice for continuing violations after the date of the

**SECTION XII**  
**ENFORCEMENT**

- A. The enforcement officer shall be the Chief Building Inspector or his designee. The enforcement officer shall review site plans submitted under this Ordinance and make appropriate recommendations to the Planning Board. The enforcement officer shall also visit the facilities regulated by this Ordinance as needed in the Chief Building Inspector's discretion, and if the facility does not conform to said Ordinance shall discuss with the owner and/or operator the steps needed to bring the facility into compliance. If these steps are not taken, the enforcement officer shall notify the owner in writing of the steps that must be taken to bring the facility into compliance. If the owner or operator still fails to bring the facility into compliance with this Ordinance, the enforcement officer, after consultation with the county manager, shall institute the necessary steps to enforce this Ordinance in accordance with this section. The enforcement officer shall also assist owners or operators of any Solar Energy Facility in making plans to comply with this Ordinance.
- B. This Ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. It may be enforced by injunction and order of

abatement. The County may apply for a mandatory or prohibitory injunction and order of abatement commanding the violator to correct any unlawful condition upon or cease the unlawful use of property. The County may request an order of abatement as part of a judgment in the cause any may request the court to close, demolish or remove buildings or other structures or take any other action that is necessary to bring the Solar Energy Facility into compliance with this Ordinance.

- C. This Ordinance may be enforced by any one or more of the remedies authorized herein.

Adopted and effective this 5 day of December, 2016.

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

**BE IT RESOLVED, tabled from November 21, 2016 meeting, the request to replace Mr. Barlow's seat with Ms. Diann Landow on the Pamlico County Library Board is hereby approved.**

Chairman Pat Prescott presented a plaque to Commissioner Christine Mele who made the decision to retire after sixteen years of service. Everyone thanked Commissioner Mele for her service and dedication to Pamlico County.

Chairman Pat Prescott adjourned the meeting of the old Board.

Clerk to the Board Ms. Courtney L. Norfleet swore in the three (3) Commissioner elects:

Ms. Pat Prescott  
Ms. Candy Bohmert  
Mr. Kenny Heath

Chairman Pat Prescott called the new Board to order.

Attorney Dave Baxter conducted the election of Chairman to the Board of Commissioners.

Commissioner Ann Holton nominated Commissioner Paul Delamar as Chairman and Commissioner Pat Prescott as Vice-Chairman. There were no other nominations.

Attorney Dave Baxter closed the floor to nominations.

**BE IT RESOLVED, the following elections are hereby approved.**

- **Chairman:** Commissioner Paul Delamar
- **Vice-Chairman:** Commissioner Pat Prescott

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

**BE IT RESOLVED, the following appointments are hereby reaffirmed:**

- **County Attorney:** Jim Hicks
- **County Manager:** Tim Buck
- **Clerk to the Board:** Courtney L. Norfleet

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

**BE IT RESOLVED, the request to appoint Ms. Sarah Davis as the Tax Assessor is hereby approved.**

There was one modification to the agenda.

- Add January 17<sup>th</sup> to meeting change dates.

The Board then turned their attention to the Consent Agenda.

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

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

*Department:* Sheriff's 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 2016-2017**

<b>ACCOUNT NUMBER</b>	<b>ACCOUNT DESCRIPTION</b>	<b>AMOUNT (+) INCREASED</b>	<b>AMOUNT(-) DECREASED</b>
10-4310-555000	Capital Outlay	\$69,297.88	
10-0600-400000	Miscellaneous Revenue	\$69,297.88	

Reason for Budget Revision: To recognize revenue from loan proceeds and increase expense line items accordingly.

*Department:* Sheriff's Department- Controlled Substance

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 2016-2017**

<b>ACCOUNT NUMBER</b>	<b>ACCOUNT DESCRIPTION</b>	<b>AMOUNT (+) INCREASED</b>	<b>AMOUNT(-) DECREASED</b>
10-0213-434328	Controlled Substance (Revenue)		\$11,863.54
10-4310-539801	Controlled Substance (Expense)		\$11,863.54

Reason for Budget Revision: To correct controlled substance budgets that were erroneously rolled over from prior year vs re-established based on actual revenue/expenses.

**BE IT RESOLVED, the request for approval of the following procedure to collect State Health Plan premiums for January and February, 2017 is hereby approved.**

- 1. All employees enter all insurance information/choices no later than December 13, 2016.**
- 2. Deduct one-half of the employee dependent coverage(s) designated for February in the last December payroll. The other half would be deducted over some period of time as the recommendation for Finance is that the employees electing dependent coverage(s) be given a short time period**

**in the future to clear any deficits in their elections through future payrolls.**

**BE IT RESOLVED, the request for approval of Agreements for Fire Protection Services for each of the nine (9) volunteer fire departments is hereby approved.**

**BE IT RESOLVED, the request for approval of the following Resolution Declaring Surplus Property is hereby approved.**

State of North Carolina

County of Pamlico

### **RESOLUTION**

That the Pamlico County Sheriff's Office is requesting firearms owned by the Pamlico County Sheriff's Office be declared surplus property.

That the Pamlico County Sheriff's Office further wishes to have declared surplus property, court ordered seized weapons which have been turned over to the Sheriff's Office for sale, trade, or exchange by the agency to a federally licensed firearms dealer pursuant to applicable statute and federal laws:

That a transaction has been arranged with Craig's Firearms of Lexington, N.C. currently the North Carolina Contract Holder for several brands of ammunition, firearm, and law enforcement supplies, to "trade in" the court ordered seized weapons and the county owned firearms, and give credit back to the Pamlico County Sheriff's Office:

RESOLVED, that the following court ordered seized weapons previously turned over to the Pamlico County Sheriff's Office are hereby declared surplus:

NO	MAKE	MODEL	CALIBER	SERIAL#
		NO MODEL		
1	2 SHOT DERRINGER	NUMBER	22	28172
2	ACCUTEK	AT380	380	22189
		NO MODEL		
3	AMERICAN ARMS	NUMBER	25	21901
4	ARMI	GT380	380	T59589
		NO MODEL	NO	
5	BEREDA	NUMBER	CALIBER	512399
6	BERSA	SERIES 95	380	365536
7	BERSA	THUNDER 380	380	459500
8	BRYCO	380	380	12633360
		NO MODEL		
9	CLERKE	NUMBER	22	205110
		NO		NO SERIAL
10	DAISY	NUMBER	0.177	NUMBER
11	DAVIS	P380	380	AP413161
12	DAVIS INDUSTRIES	0-32	32	392017
13	DAVIS INDUSTRIES	P32	32	P147270
14	GECADO	MODEL 11	25	DEFACED
15	GLOCK	MODEL 26	9	365536
		NO		
16	GURDIAN	NUMBER	24	G62638
17	H&K	40	40	26-072756
18	H&R	MODEL 930	22	AU046813
	HARRINGTON &	NO MODEL		
19	RICHARDSON	NUMBER	32	18395
20	HI-POINT	CF380	380	P756579
21	HI-POINT	JH	45	302536
22	HI-POINT	CF 380	380	P708293
23	HI-POINT	CF380	380	P729904
24	HI-POINT	JHP	45	X479438
25	HI-POINT	MODEL C	9	P007130
26	HI-POINT	9MM	9	830567
27	HI-POINT	MODEL JHP	9	X498331
28	INTRATEC	25ACP	25	21985
29	JENNINGS	J22	22	615446
30	JENNINGS	J22	22	703972
31	LLAMA	MINIAM X45	45	71-04-01167-02
32	LORCIN	L9MM	9	23352
33	NO MAKE	HWS	22	287007

34	PHOENIX	RAVEN	25	3116562
35	RAVEN	MP25	25	1603173
36	RAVEN	MP25	25	913184
37	RAVEN ARMS	MP25	25	874435
38	RG	RG 26	25	U057652
		NO MODEL		
39	RHOM	NUMBER	22	16932
		NO MODEL		
40	RHOM	NUMBER	22	321444
41	RUGER	MKII	22	222-59219
42	RUGER	SR9	9	330-28351
43	RUGER	3701	380	374-29097
		NO MODEL	NO	
44	S&W	NUMBER	CALIBE	V74098
			NO	
45	SMITH &WESSON	1076	CALIBE	TFP2380
46	SMITH &WESSON	RG31	32	Q234016
			NO	
47	SPRINGFIELD	1911-AI	CALIBE	15084
48	STALLARD ARMS	JS-9 M M	9	27637
49	TARUS	357	357	XF98981
			NO	
50	TARUS MILLINEM	PT111	CALIBE	TRI58269
		NO MODEL	NO	
51	TAURUS	NUMBER	CALIBE	MC752568
		NO MODEL		NO SERIAL
52	TITAN	NUMBER	25	NUMBER
		NO MODEL		
53	UNK 10 SHOT REVOLVER	NUMBER	22	DEFACED
54	YORL CUTLERY	SR10	22	10343

FURTHER RESOLVED, that pursuant to N.C.G.S §143-129.7 the Pamlico County Sheriff's Office can "trade in" said personal property owned by the County with Craig's Fire Arms of Lexington, N.C.

Motion was duly made and the Resolutions as above stated were passed 7 for and 0 against.

This the 5<sup>th</sup> day of December, 2016



**BE IT RESOLVED, the request for approval to cancel second meeting in December and to change meeting dates of the first and second meetings in January, 2017 is hereby approved.**

- **January 3, 2017**
- **January 17, 2017**

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

**BE IT RESOLVED, the request for Appointment of Commissioner Kenny Heath as Voting Delegate to the NCACC 2017 Legislative Goals Conference is hereby approved.**

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

**BE IT RESOLVED, the 911 Backup Plan Budget is hereby approved.**

**VESTA-NG/SMS Phone System**

\$153,902.95

**BACKUP PSAP EQUIPMENT**

Fiber Connection from Pamlico-Craven (10 Meg Managed with QOS)- \$48 install/\$811 monthly

Backup CAD Servers, Network Switches, Workstation, Software & License: \$51,264.00

Radio Card/Consollete (tied into craven's consoles/combiner)- \$19,000.00

**Total Combined Expense: \$224,214.95 (Not including annual recurring maint.)**

**E-911 Fund Balance (8-22-2016): \$250,888 (unaudited)**

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

**BE IT RESOLVED, the request to keep the budgeted overtime provisions in place is hereby approved.**

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

**BE IT RESOLVED, the request to classify County Commissioners as 20 hour per week exempt employees and to pay Board members a stipend equivalent to the State Health Plan Premium is hereby approved.**

**BE IT FURTHER RESOLVED, the stipend will be used to pay the health insurance premium and will be pretax (non taxable); County Commissioners that do not to receive insurance will receive the stipend as taxable income.**

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

**BE IT RESOLVED, the request to approve Retiree Health Benefits as set forth below is hereby approved:**

- 1- Retirees with an effective retirement date prior to January 15, 2017 will be “held harmless.” For those retirees, the County will select the provider and will pay the applicable percent of the new monthly health insurance premium per its existing policy as outlined in Article IV, Section 21 of the County’s group health insurance plan in effect when payment is due. The County will also pay any amount necessary so that the total amount paid by the retiree for that retiree’s health insurance premium will equal the amount that retiree would have paid if that retiree could have been covered under the County’s new group plan.

**For Example:**

**Cost of Retiree Health Insurance Paid by County under Current Plan (Retiree covered under County Plan)**

Eligible Employee: 20 years service x 2%/ year = 40% of premium paid by County

40% x 479.48 (per Employee Cost under new plan) = \$191.79 Paid by County

Total Amount Paid by County = \$191.79

**\*\*\*Total Amount paid by Retiree = \$479.48 – \$191.79 = \$287.69**

**Cost of Retiree Health Insurance Paid by County under New Plan (Retiree covered under Individual Plan with cost of \$1300/month)**

Eligible Employee: 20 years service x 2%/ year = 40% of premium paid by County

40% x 479.48 (per Employee Cost under new plan) = \$191.79 Paid by County

+

\$1300 New Premium for retiree individual coverage – \$479.48 = 820.52

Total Amount Paid by County = \$191.79 + 820.52 = \$1012.31

**\*\*\*Total Amount paid by Retiree = \$287.69**

- 2- For eligible retirees hired before December 31, 2016 with an effective retirement date after January 14, 2017, the County will select the provider and pay the applicable percentage of the total premium for the retiree's individual coverage as outlined in Article VI, Section 21 of the County's retiree health insurance plan in effect when payment is due. The eligibility and vesting requirements of Article VI, Section 21 will apply to all employees.
- 3- Employees of the County with an effective employment date after December 31, 2016 will not be eligible for retiree health insurance benefits and the County will not contribute any amount toward payment of their respective health insurance premiums after retirement with the County.

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

**BE IT RESOLVED, the request for approval to work with our insurance consultant, SIA Stallings to acquire individual retiree health plans that are as equivalent as possible to our current plan is hereby approved.**

**BE IT FURTHER RESOLVED, the County Manager is hereby authorized to sign the contract documents.**

On a motion made by Commissioner Pat Prescott and seconded by Commissioner Ed Riggs, the Pamlico County Board of Commissioners met in closed session pursuant to NCGS §143-318.11 (a)(3) Client-Attorney Privilege.

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

No formal action was taken in closed session.

There being no further business, on a motion made by Commissioner Pat Prescott and seconded by Commissioner Candy Bohmert, the Board adjourned until Tuesday, January 3, 2017 at 7:00 pm.

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Chairman

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Clerk to the Board