

**REGULAR SESSION MINUTES OF THE
PAMLICO COUNTY BOARD OF COMMISSIONERS
TUESDAY, JANUARY 17, 2017**

The Pamlico County Board of Commissioners met in regular session on Tuesday, January 17, 2017 at 7:00 pm in the Patsy H. Sadler Room of the Pamlico County Courthouse. All Commissioners were present with the exception of Commissioner Carl Ollison. Also present were County Attorney Dave Baxter, County Manager Tim Buck, Finance Officer Bill Fentress, and Clerk to the Board Courtney L. Norfleet.

Chairman Paul Delamar called the meeting to order.

Chairman Paul Delamar asked if there were any corrections, additions, and/or deletions to the regular and closed session minutes of the January 3, 2017 meeting and the closed session minutes of the November 21, 2016 and December 5, 2016 meetings. There being none, on a motion made by Commissioner Ann Holton and seconded by Commissioner Pat Prescott, the following resolution was unanimously approved.

BE IT RESOLVED, the regular and closed session minutes of the January 3, 2017 meeting and the closed session minutes of the November 21, 2016 and December 5, 2016 meetings are hereby approved and the Chairman's signature is authorized thereon.

Chairman Paul Delamar recognized Ms. Ruger from Coastal Community Action. Ms. Ruger came before the Board to answer any questions regarding the CSGF Funding Application.

Chairman Paul Delamar recognized Mr. Chris Burton from Carr, Riggs, & Ingram. Mr. Burton came before the Board to present the 2015-16 Audit.

Chairman Paul Delamar declared the public hearing regarding the proposed amendments to the Pamlico County Ordinance Regulating the Construction, Operation, and Maintenance of Solar Energy Facilities. There were no members of the public to speak. Chairman Paul Delamar declared the public hearing closed.

On a motion made by Commissioner Ann Holton and seconded by Commissioner Candy Bohmert, the following ordinance was unanimously 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.

“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 have a minimum landscape buffer containing evergreen vegetation screening where existing buffers do not obscure solar energy system perimeters from dwelling units on adjacent parcels. At maturity required vegetative screening shall not be less than 15 feet tall regardless of line of sight.

An optional earthen berm may be used in conjunction with planted vegetation provided all of the following are met:

1. The combined height of the berm and planted vegetation shall be at least 15 feet and provide approximately 75% opacity within one year of planting.
2. The slope of the berm shall be stabilized with vegetation and no steeper than 3:1.
3. The height of the berm shall be a minimum of 6 feet, with a level or rounded area on top of the berm.
4. The berm shall be constructed of compacted earth.
5. When berms are planned to be installed within required buffers, storm drainage plans submitted with an application shall be designed to anticipate a 100-year storm event.
6. When visible from an adjoining residential use (including across a street) the berm shall be composed of view-obscuring vegetation in combination with a berm designed to obscure views to a height of 15 feet from the ground, except for mechanical equipment which shall be screened to the height of the equipment plus six inches.

Prior to issuance of the first certificate of compliance, berms shall be planted to ensure coverage by live plant material within 3 to 5 years.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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 first notice.

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 17th day of January, 2017.

Chairman Paul Delamar asked if there were any additions, and/or deletions to the agenda. There were two (2) additions.

On a motion made by Commissioner Ann Holton and seconded by Commissioner Candy Bohmert, the following item was added to Correspondence as item twenty (20).

- Equipment Block Grant – Governor's Crime Commission.

On a motion made by Commissioner Ed Riggs and seconded by Commissioner Pat Prescott, the following item was added to Correspondence as item twenty-one (21).

- Closed session pursuant to NCGS §143-318.11(a)(3).

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 Candy Bohmert and seconded by Commissioner Pat Prescott, the following resolutions 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 2016-2017

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT(-) DECREASED
10-6120-512600 16010	Salaries & Wages P/T (HHB Grant)	\$5,600.00	
10-6120-518100 16010	FICA Expense	\$ 347.20	
10-6120-518101 16010	Medicare Expense	\$ 81.20	
10-6120-529002 16010	Scholarship Fund (HHB Grant)		\$2,000.00
10-6120-519900 16010	Contracted Services (HHB Grant)		\$3,600.00
10-6120-529000 16010	Departmental Supplies		\$ 428.40

Reason for Budget Revision: To cover part-time employee salaries and associated expenses.

Department: Sheriff's Department & Senior Services

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

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT(-) DECREASED
10-0400-435900	Installment Loan Proceeds	\$48,072.84	
10-4310-535300	M & R Auto	\$ 8,525.84	
10-4310-555000	Capital Outlay	\$ 9,950.00	
10-4930-555000	Capital Outlay	\$29,597.00	

Reason for Budget Revision: To recognize loan proceeds and increase expense budgets.

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 2016-2017

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT(-) DECREASED
10-5550-519900	Contracted Services	\$ 3,000.00	
10-5373-519900 III	Contracted Services	\$ 20,550.00	
10-5550-548300	Chores Services IIIB		\$22,000.00
10-5550-518100	FICA Expense		\$ 1,300.00
10-5550-518101	Medicare Expense		\$ 250.00
10-5310-512200	Overtime	\$ 6,500.00	
10-5310-512100	Salaries & Wages		\$ 6,500.00

Reason for Budget Revision: To reflect actual spending.

BE IT RESOLVED, the request for approval of 2.25% transaction fee for each credit/debit card transaction in Building Inspections and Register of Deeds offices, and equipment purchase not to exceed \$150 is hereby approved.

BE IT RESOLVED, the request to pay overtime for the assistant that serves Emergency Management and Building Inspections, with funds available in Emergency Management budget is hereby approved.

BE IT RESOLVED, the request to authorize Tax Administrator Ms. Sarah Davis to hire a temporary or contract with an appraiser to conduct the appraisals for additions to real property that occurred in calendar year 2016 is hereby approved.

BE IT RESOLVED, effective January 9, 2017 the public entrance to the Pamlico County Courthouse and Annex is designated as the West End Annex entrance that is adjoining 3rd Street in Bayboro; and all other entrances will require security key access; and signage will be displayed on entrances to direct visitors to the public entrance; and key access/control will be per the Pamlico County Key Access as approved by the County Manager.

BE IT RESOLVED, the following Resolution Opposing North Carolina Wildlife Federation Petition is hereby approved.

RESOLUTION IN OPPOSITION TO PETITION FOR RULEMAKING TO AMEND 15A ADMIN. CODE 3L .0101,3L .0103, 3M .0522, 3M .0523, 3N .0151,AND 3R .0105TO DESIGNATE SPECIAL SECONDARY NURSERY AREAS AND REDUCE BYCATCH

MORTALITY IN NORTH CAROLINA COASTAL FISHING WATERS AS PRESENTED
BY THE NORTH CAROLINA WILDLIFE FEDERATION

WHEREAS, The North Carolina Wildlife Federation has filed a Petition for Rulemaking to amend 15A Admin. Code 3L .0101, 3L .0103, 3M .0522, 3M .0523, 3N .0523, 3N 0151, and 3R .0105 to

Designate Special Secondary Nursery Areas and Reduce Bycatch Mortality in North Carolina Coastal Fishing Waters.

WHEREAS, Pamlico County strives to promote and ensure the viability and sustainability of North Carolina's valuable fisheries resources for all citizens including consumers demanding fresh North Carolina seafood.

WHEREAS, Pamlico County strongly supports this resolution against rulemaking that proposes reclassifying internal coastal waters as secondary nursery areas.

WHEREAS, Pamlico County has long history of commercial fishing in Pamlico Sound and relies greatly on commercial fishing as one of the largest industries supporting the Pamlico County economy.

WHEREAS, hundreds of people in Pamlico County rely on shrimp trawling to support their families, surrounding businesses, communities and the local economy. Pamlico County's shrimp fishermen are small, family-owned, independent businesses that sell to seafood dealers that seasonally employ hundreds more and whose expenditures spread through the communities in Pamlico County.

WHEREAS, trawl effects greatly depend on the design of the gear, intensity of use and location used. The largest proportion of the bottom of the Pamlico Sound is soft, muddy bottom or soft, sandy bottom, where shrimp trawls and their doors have not been found to be highly destructive.

WHEREAS, D. Corbett et al. 2004, found that shrimp trawl effects on the bottom found in most of the Pamlico Sound have been described by scientists as similar to harsh winter storms with short term impacts.

WHEREAS, R.A. Deehr 2012, found that scientists have found that trawling disturbance can stimulate an increase in population numbers of bottom invertebrates and that predators of those invertebrates were more common in areas not open to trawling.

WHEREAS, trawls are designed to be selective for target species by modifying the mesh size, modifying the design, and speed of tow and shrimp trawls in North Carolina are required to use finfish excluders to allow small fish to escape.

WHEREAS, according to Harrington, D.L. and R.A. Vendetti in 1996, as much as 70% of the juvenile finfish are excluded with finfish excluders and North Carolina was the first state to require finfish excluders in shrimp trawls in its internal waters.

WHEREAS, shrimp trawlers are also required to use Turtle Excluder Devices (TEDs) to allow sea turtles to escape and scientists have documented that TEDs exclude significant amounts of juvenile finfish.

WHEREAS, the Albemarle-Pamlico Sound, which is the largest brackish water body in any one state in the United States of America, is unique in its characteristics and cannot be compared to water bodies in other states.

WHEREAS, Pamlico Sound is one of the few water bodies that support commercial quantities of pink, white and brown shrimp in the south Atlantic.

WHEREAS, North Carolina is the only state that has formally designated nursery areas for juvenile fish, shrimp and crabs. All bottom-disturbing fishing gear is prohibited in these areas, including shrimp trawls and has been prohibited for over 35 years. The greatest majority of bays and creeks of western and northern Pamlico Sound are classified as secondary nursery areas to protect these populations.

WHEREAS, 124,000 acres of estuarine areas are classified as primary or secondary nursery areas. An additional 47,000 acres of brackish waters are classified as special secondary nursery areas. These areas are closed to trawling, but may be opened when the majority of juvenile fish have migrated from the areas. In 2006 almost 92,000 acres in the Pamlico, Pungo, and Neuse Rivers were closed to shrimp trawling as part of the North Carolina Shrimp Fisheries Management Plan. In total almost 1,000,000 acres of internal coastal waters are closed to trawling in North Carolina representing approximately 48% of the total.

WHEREAS, North Carolina has not allowed trawling in Albemarle Sound since 1987. North Carolina closed extensive areas of submerged aquatic vegetation located on the eastern shore of the Outer Banks from Oregon Inlet to the mouth of Core Sound to shrimp trawling in 1994. These areas serve as nurseries for juvenile fish and shrimp.

WHEREAS, shrimp trawl fishermen try to fish in areas that maximize shrimp catch and minimize finfish bycatch. High amounts of finfish bycatch increase fuel costs and labor costs in addition to decreasing the economic quality of the shrimp caught. Shrimp trawl fishermen currently avoid high amounts of bycatch at every opportunity.

WHEREAS, characterizing bycatch in the North Carolina shrimp trawl fishery is difficult due to factors including but not limited to distribution of the bycatch species, variation in fishing effort, variations in gear, the seasonality of the fishery, and mortality of the

bycatch species. The Director of the North Carolina Division of Marine Fisheries recognized in August of 2013 that 4.5 lbs. of fish per lb. of shrimp is "not a good estimate" and is "not the appropriate way to characterize bycatch."

WHEREAS, the variation of the amount of finfish to shrimp in a shrimp trawl is tremendous. Scientists studying bycatch in North Carolina have cautioned that finfish/shrimp ratios tend to overestimate bycatch.

WHEREAS, survival rates of discarded finfish from the shrimp trawl catches are also difficult to accurately calculate. Survival rates are greatly influenced by trawl tow times, water temperatures, catch volumes, and the time it takes to cull the fish. Studies have shown that creatures of the ecosystem where the shrimp are caught do consume large quantities of the discarded finfish that die. Blue Crabs and other benthic invertebrates, birds and bottlenose dolphins all consume discarded finfish.

WHEREAS, North Carolina is recognized by other states and the federal government as having one of the best fisheries data collection programs in the country. Since 1978, North Carolina has been collecting detailed biological data on spot, Atlantic croaker, and gray trout; species most common in shrimp trawl bycatch. Data collected by the North Carolina Division of Marine Fisheries is used to assess population levels and to identify sources of fishing mortality.

WHEREAS, the 2010 Atlantic Croaker Stock Assessment Report for Peer Review, prepared by the Atlantic States Marine Fisheries Commission, states that in a 2010 stock assessment of Atlantic croaker, that while there was too much uncertainty in the models to precisely determine if the population was overfished, scientists state it is unlikely the stock is overfished based on other population data.

WHEREAS, spot are not classified as overfished but are classified as concerned by the North Carolina Division of Marine Fisheries, primarily based on landings. However, scientists recognize it is very difficult to determine population status from landings data.

WHEREAS, the Atlantic States Marine Fisheries Commission found in their Weakfish Stock Assessment Report in 2009 that there is little evidence that overfishing is occurring on weakfish and they believe other factors besides fishing are causing the weakfish stock decline.

WHEREAS, federal scientists in the 2005 South Atlantic Shrimp FMP found that while reviewing the stock status of weakfish, spot and Atlantic croaker, they could find no evidence to indicate that the mortality of shrimp trawls with TEDs was having a significant adverse effect on those populations.

WHEREAS, North Carolina has produced a fishery management plan for shrimp and other species. In addition, the federal government has developed a FMP for shrimp in the south Atlantic, with numerous amendments. None of these plans, amendments, or addendums has recommended a ban on inside shrimp trawling in North Carolina to ensure sustainability of these fisheries resources.

NOW, THEREFORE, BE IT RESOLVED, that rulemaking reclassifying most internal coastal waters as special secondary nursery areas is not needed to improve fisheries management. The proposed reclassification will have a devastating impact on commercial fishing families and coastal fishing communities. The proposed reclassification will eliminate the availability to consumers of North Carolina harvested shrimp; a public resource to North Carolina residents, tourists, restaurants, and seafood retail.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that on behalf of the citizens of Pamlico County, the Pamlico County Board of Commissioners strongly urge the North Carolina Marine Fisheries Commission to reject the proposed rule petition. Copies of this resolution in opposition to rule making that proposes reclassifying most internal coastal waters as secondary nursery areas will be forwarded to the Honorable Roy Cooper, NC Governor, Nancy Fish, NCDMF Commission Liaison, the Pamlico County Legislative Delegation to the North Carolina General Assembly and each county in the great state of North Carolina.

Adopted this the 17th day of January, 2017, in Pamlico County, North Carolina.

BE IT RESOLVED, the resignation of Commissioner Kenny Heath, of Township 5 is hereby approved.

BE IT RESOLVED, the request for approval of the following resolution designating Attorney Dave Baxter as a qualified source for obtaining the Ethics Training as required by NCGS § 160A-87 is hereby approved.

COUNTY OF PAMLICO

**RESOLUTION APPROVING A QUALIFIED SOURCE FOR OBTAINING
THE ETHICS TRAINING REQUIRED BY N.C. GEN. STAT. § 160A-87**

WHEREAS, the North Carolina General Assembly enacted North Carolina General Statute § 160A-87 requiring that all members of this Board receive a minimum of two (2) clock hours of ethics education within twelve (12) months after initial election or appointment and again within 12 months after each subsequent election or appointment to the office;

WHEREAS, said ethics education may be provided by a qualified source other than those expressly described in North Carolina General Statute § 160A-87 at the discretion of this Board pursuant to North Carolina General Statute § 160A-87(c); and

WHEREAS, Sumrell, Sugg, Carmichael, Hicks & Hart, P.A. is a qualified source of such ethics education due to the fact that its attorneys have extensive experience and knowledge of the laws and principles that govern conflicts of interest and ethical standards of conduct at the local government level.

NOW THEREFORE, BE IT HEREBY RESOLVED, that Sumrell, Sugg, Carmichael, Hicks & Hart, P.A. is approved as a qualified source of the mandated ethics education described in North Carolina General Statute § 160A-87 for the members of this Board, as necessary.

This Resolution is effective upon its adoption this 17th day of January, 2017.

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

BE IT RESOLVED, the request for approval of two (2) new jailer positions in the jail to assist with administration and transport duties for a total annual cost of \$107,100 and to increase projected Fiscal Year 2017 revenue for leasing beds to the Federal Marshall Service by \$44,625 to offset the estimated costs of \$44,625 for the remainder of fiscal year 2016-17 is hereby approved.

BE IT FURTHER RESOLVED, the Finance Officer is to prepare a Budget Amendment that will reduce Fiscal Year 2017 general fund balance appropriation by the amount of the remaining projected revenue from leasing beds to the Federal Marshal Services and by the amount of the increase in projected revenue to be received in Fiscal Year 2017 from the State Misdemeanant Confinement Program.

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

BE IT RESOLVED, the request to approve below listed criteria for selecting design-build method for crawl space repairs of the Courthouse is hereby approved.

The County of Pamlico desires to use the design build method of procurement and construction for crawl space repairs to the Pamlico County Courthouse and Annex. North Carolina General Statute 143-128.1A authorizes the use of the process. The first step in the process for utilizing the design-build delivery method is that a governmental entity is to establish in writing the criteria used for determining the circumstances under which the design-build method is appropriate for a project. Pursuant to NCGS 143-128-1A (b) the following criteria were used in selecting this methodology:

Criteria 1-The extent to which the governmental entity can adequately and thoroughly define the project requirements prior to the issuance of the request for qualifications for a design-builder. Certain deficiencies and repairs were identified in a 2012 building inspection of the Pamlico County Courthouse crawl space conducted by licensed engineer, Mr. Tom Admay. Items that needed repair or maintenance were identified. Subsequently, contracted engineer George Chiles confirmed the scope of the repairs and maintenance that are needed.

Criteria 2- The time constraints for the delivery of the project. The repairs and maintenance need to be started and completed in calendar year 2017.

Criteria 3- The ability to ensure that a quality project can be delivered. The Pamlico County Public Services Director, Garry Cooper will oversee the project. He will utilize the services of contracted engineer George Chiles and the Pamlico County Building inspector to ensure quality delivery of the project.

Criteria 4- The capability of the governmental entity to manage and oversee the project, including the availability of experienced staff or outside consultants who are experienced with the design-build method of project delivery. As described in 3 above, Pamlico County staff and a contracted engineer will oversee the project and are experienced in working with contractors and engineers on similar projects.

Criteria 5- A good-faith effort to comply with G.S. 143-128.2, G.S. 143-128.4, and to recruit and select small business entities. The governmental entity shall not limit or otherwise preclude any respondent from submitting a response so long as the respondent, itself or through its proposed team, is properly licensed and qualified to perform the work defined by the public notice issued under subsection (c) of this section. Pamlico County will solicit engineers/builders in compliance with NC GS 143—128.2 and 1413-128.4.

Criteria 6- The criteria utilized by the governmental entity, including a comparison of the advantages and disadvantages of using the design-build delivery method for a given project in lieu of the delivery methods identified in subdivisions (1), (2), and (4) of G.S. 143-128(a1). The primary advantage of design-build for this project over separate-prime, single-prime and construction management at risk methods is that the construction contractor is involved in the design process from

the beginning and can provide helpful insights on construction materials and methods that can make the design more efficient and less costly to construct. The primary disadvantage is that the selection criteria are somewhat subjective and the resultant bid may not be the lowest price.

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

BE IT RESOLVED, the quotes from Ernul's in the amount of \$6,483.51 to repair the doors in the breezeway of the Courthouse Annex and to modify the west end entry door locking system of the Courthouse Annex to work with the handicapped access button are hereby approved.

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 of recommended changes to the Pamlico County Leak Adjustment Policy as incorporated below is hereby approved:

VIII. ARTICLE VIII-ADJUSTMENTS

- A. A customer with a high water bill due to a leak or busted pipe may request that the Water Department make an adjustment to the account in question.
- B. The customer shall make application for adjustment. The customer shall provide all requested information to the best of his or her knowledge.
- C. To be eligible for an adjustment:
 - 1. The customer must make application for adjustment no later than the due date of the bill reflecting the leak or busted pipe (no swimming pool or irrigation adjustments are given).
 - 2. The customer has not been granted a leak adjustment for a different leak on the same account within the last twelve (12) months.
 - 3. The water bill to be adjusted is at least double the average bill for the proceeding twelve (12) month period. For leak adjustments where the consumer has less than twelve (12) months usage, the estimated normal usage will be figured using the current American Water Works Association number of gallons of water used per day per person of 88 gallons multiplied by the number of people in the household (number to be reviewed annually).
 - 4. All needed repairs or actions to prevent any further loss of water have been made.
- D. The bill will be adjusted to the average bill for the proceeding twelve month period. For example, a customer whose average bill is \$30 a month with a leak causing their bill to increase to \$100 would see \$70 of the leaked amount

adjusted off of the bill. Therefore, the water bill after the adjustment would be \$100 - \$70 = \$30.00.

- E. If it is determined that the leak occurred during a period which overlaps two consecutive billing periods, both bills may be adjusted provided both bills qualify for adjustment. No more than two bills may be adjusted for each request.
- F. The office supervisor shall review the application to determine the eligibility of the request.
- G. If the office supervisor denies a customer a leak adjustment, the customer may request a hearing with the County Manager to appeal the decision. The County Manager will determine if the Office Supervisor followed policy when making a decision. If the County Manager determines that the Office Supervisor did not follow policy, it may reverse the decision. Any request made by the customer outside of policy may be forwarded to the Board of Commissioners for consideration, at the request of the customer.

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

BE IT RESOLVED, the request to replace Mr. Kelly Wilkinson's seat on the Workforce Development Board with Dr. Jim Ross is hereby approved.

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

BE IT RESOLVED, the tabled request to appoint three (3) new members (Ms. Ivia Nathaniel, Mr. Steve Hardison, and Mr. David Rosado) to the Pamlico County Foundation of the Aged, as recommended by Senior Center Director, Violet Ollison is hereby approved.

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 table filling two (3 year term) vacancies on the Regional Aging Advisory Committee (RAAC) regarding Pamlico County's representation and to authorize the Clerk to the Board to announce the vacancies on the County website is hereby approved.

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

BE IT RESOLVED, Commissioner Ed Riggs is hereby appointed to fill the vacancy on the Health Board.

BE IT RESOLVED, the list below of Board of Commissioner Committee/Board positions is hereby approved:

Boards and/or Committees	Current Member	Term/Length	Commissioner Required	Meeting Location	Days or Evenings
Buildings & Grounds Committee	Paul Delamar Carl Ollison Ed Riggs				
CAP-DA	Ann Holton				
Child Fatality Prevention	Christine Mele	For Term	Yes	Pamlico County	4 th Tuesday 12:00 p.m.
Civilian Military CADC	Candy Bohmert		No	Varies	Usually in afternoon
CJPP	Tim Buck	3 years	Yes		

Coastal Community Action	Pat Prescott		Any Elected Official	CCA Office, Newport	4 th Tuesday every other month 9:00 a.m.
Coastal Resources Commission	Missy Baskervill				
Craven Transportation Committee	Paul Delamar	For Term	No	Varies New Bern	Once each quarter 12:00
Eastern Carolina Workforce Development Board	Christine Mele		Yes	New Bern	Quarterly 2:00 pm
Trillium Health Resources	Ann Holton	For Term	No	New Bern	3 rd Tues. every other month 7:00 pm

Eastern Carolina Council	Pat Prescott Carl Ollison (Alt)			Craven County	
Health Board	Ed Riggs		Yes	Health Dept.	2 nd Monday every Month 7:30 pm
Home Community Block Grant Advisory Board	Pat Prescott				
Hurricane Committee	Pat Prescott Ed Riggs Paul Delamar				

LEPC	Candy Bohmert				
Fire Chief's Commission	Ed Riggs		Yes	Pamlico County	Quarterly
Nursing Home Advisory Board	Pat Prescott	Indefinite	No	Pamlico County	Days
Pamlico Community College	Paul Delamar		No	Grantsboro	4 th Tuesday every month 7:00 pm
Pamlico County and Regional Library Trustee Board	Pat Prescott				
Partnership for Children	Ann Holton		Yes		

Planning Board	Carl Ollison		No		Last Tuesday of the Month
RTPO	Candy Bohmert				
	Ed Riggs (Alt)				
Social Services Board	Pat Prescott	Yes			
Senior Center Advisory Board	Pat Prescott				

Water Committee	Candy Bohmert Ed Riggs Carl Ollison			Patsy H. Sadler Room Courthouse	Last Monday of the month 2:00 pm

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

BE IT RESOLVED, Sheriff Davis' request to apply for an Equipment Block Grant from the Governor's Crime Commission in the amount of \$24,500, with no County match is hereby approved.

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

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

Formal action was taken in closed session.

There being no further business, on a motion made by Commissioner Ed Riggs and seconded by Commissioner Ann Holton, the Board adjourned until Monday, February 6, 2017 at 7:00 pm.

Chairman

Clerk to the Board