

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

**MONDAY, OCTOBER 16, 2017**

The Pamlico County Commissioners met in regular session on Monday, October 16, 2017 at 7:00 pm in the Patsy Sadler room of the Pamlico County Courthouse. All Commissioners were present with the exception of Commissioners Carl Ollison and Paul Delamar. Also present were County Attorney Jim Hicks, County Manager Tim Buck, Finance Officer Bill Fentress, and Clerk to the Board Courtney L. Norfleet.

Vice-Chairman Pat Prescott called the meeting to order.

Vice-Chairman Pat Prescott asked if there were any corrections, additions, and/or deletions to the agenda. On a motion made by Commissioner Candy Bohmert and seconded by Commissioner Ann Holton, the following resolution was unanimously approved.

**BE IT RESOLVED, the regular session minutes of the October 16, 2017 meeting are hereby approved with the Chairman's signature approved thereon.**

Vice-chairman Pat Prescott declared the public hearing regarding CDBG-DR grant opportunity open. There were no members of the public to speak. Vice-Chairman Pat Prescott declared the public hearing closed.

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

**BE IT RESOLVED, the following CDBG-DR resolution is hereby approved.**

**RESOLUTION BY THE BOARD OF COMMISSIONERS  
OF THE COUNTY OF PAMLICO**

**AUTHORIZING THE FILING OF AN APPLICATION FOR**

**COMMUNITY DEVELOPMENT BLOCK GRANT-**

**DISASTER RECOVERY FUNDS**

**WHEREAS**, the NC Division of Emergency Management and the NC Department of Commerce have made Community Development Block Grant-Disaster Recovery (CDBG-DR) Grant Funds under Federal Public Law 117-223/254 available to impacted counties for Hurricane Matthew recovery activities; and

**WHEREAS**, the County of Pamlico is authorized to accept Federal and State grants and to appropriate and expend funds for community development programs and activities, including housing and public facility improvements; and

**WHEREAS**, the Pamlico County Board of Commissioners has held two public hearings concerning a proposed application for CDBG-DR funding; and

**WHEREAS**, the County of Pamlico desires to undertake certain hurricane recovery activities and to prepare an application for 2017 CDBG-DR Funds;

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of the County of Pamlico,

**THAT**, the Chairman be authorized and directed to submit an application to the NC Division of Emergency Management for 2017 CDBG-DR Funds in the amount of \$1,000,000; and

**THAT**, if CDBG-DR Funds are received, the County will carry out eligible hurricane recovery-related activities in the following funding categories: Housing Recovery, including rehabilitation, reconstruction, temporary rental assistance and flood insurance assistance; and any other CDBG-DR eligible recovery activity that may benefit the County; and

**THAT**, if CDBG-DR Funds are received, eligible hurricane recovery activities will be undertaken with the primary objective of benefiting low to moderate persons in accordance with goals established by the NC Department of Commerce in the "State of North Carolina CDBG-DR Action Plan" dated April 21, 2017; and

**THAT**, the Chairman, County Manager and Finance Officer be authorized and directed to act in connection with the application; to provide the CDBG-DR grant plans and policies consistent with the application guidelines; and to execute any and all documents related to said application; and

**THAT**, if CDBG-DR Funds are received, the Chairman, County Manager and Finance Officer be authorized and directed to execute the grant agreement, funding approval and subsequent grant documents as required during project implementation; and

**FINALLY THAT**, the County of Pamlico will comply with all applicable federal and state laws, regulations, rules, and executive orders related to the CDBG-DR Project, including the "State of North Carolina CDBG-DR Action Plan" and any subsequent amendments.

**ADOPTED**, this 16th day of October, 2017, at Bayboro, Pamlico County, North Carolina

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

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

*Department:* **Public Buildings**

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 2017-2018**

<b>ACCOUNT NUMBER</b>	<b>ACCOUNT DESCRIPTION</b>	<b>AMOUNT (+) INCREASED</b>	<b>AMOUNT(-) DECREASED</b>
10-5310-512100	Salaries & Wages		\$25,738.00
10-5310-512700	Longevity		\$ 836.00
10-5310-512103	Salary Supplement		\$ 750.00
10-5310-518100	FICA		\$ 1,694.00
10-5310-518101	Medicare		\$ 396.00
10-5310-518200	Retirement		\$ 2,074.00
10-5310-518500	Unemployment Insurance		\$ 214.00
10-5310-518600	Workers Comp		\$ 1,318.00
10-5310-518300	Health Insurance		\$ 6,340.00
10-5000-512100	Salaries & Wages	\$25,738.00	
10-5000-512700	Longevity	\$ 836.00	
10-4121-512103	Salary Supplement	\$ 750.00	
10-5000-518100	FICA	\$ 1,694.00	
10-5000-518101	Medicare	\$ 396.00	
10-5000-518200	Retirement	\$ 2,074.00	
10-5000-518500	Unemployment Insurance	\$ 214.00	
10-5000-518600	Workers Comp	\$ 1,318.00	
10-5000-518300	Health Insurance	\$ 6,340.00	

Reason for Budget Revision: To move salary and benefits from DSS to Public Buildings so expense can be submitted by DSS.

*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 2017-2018**

<b>ACCOUNT NUMBER</b>	<b>ACCOUNT DESCRIPTION</b>	<b>AMOUNT (+) INCREASED</b>	<b>AMOUNT(-) DECREASED</b>
10-0000-439900	Fund Balance Appropriation	\$6,779.00	
10-4930-555000	Capital Outlay	\$6,779.00	

Reason for Budget Revision: To move funds to cover new phone system for Senior Services.

Department: Health Department

The original budget is being revised with this Budget Revision. A Budget Amendment will revise the total dollar amount, either increase or decrease, of the original Budget Ordinance. A Line Item Transfer will revise the dollar amounts allocated between different programs in a department with more than one budget code or different line items within a single department code but will not increase or decrease the Budget Ordinance.

**FISCAL YEAR 2017-2018**

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT(-) DECREASED
10-5190-531000	Travel		\$3,028.48
10-5191-531000	Travel	\$3,028.48	

Reason for Budget Revision: To correct previous budget amendment #18-034. (Incorrect expense account)

**BE IT RESOLVED, the request for approval of a Budget Amendment to pay Intrasource invoice in the amount of \$6,779 for Senior Services phones installed in June is hereby approved.**

**BE IT RESOLVED, the request for approval of Intent to Lease County Owned Properties that were advertised in the Sun Journal on September 9, 2017 is hereby approved.**

Tract 1: 7.5 acres located at 5354 Lowland Rd, Lowland;  
Tract 2: 1.7 acres located at 70 Lancaster Ln, Merritt

**BE IT FURTHER RESOLVED, the Lease Agreement will be amended by Jim Hicks, County Attorney.**

NORTH CAROLINA

PAMLICO COUNTY

**LEASE AND MAINTENANCE AGREEMENT**

THIS LEASE and MAINTENANCE AGREEMENT, is made and entered into this the \_\_\_ day of October 2017, by and between PAMLICO COUNTY, a political subdivision of the State of North Carolina, hereinafter referred to as "LESSOR", and \_\_\_\_\_ residing at \_\_\_\_\_, hereinafter referred to as "LESSEE";

**WITNESSETH:**

That the LESSOR hereby leases to the LESSEE the premises commonly known as \_\_\_\_\_ consisting of approximately \_\_\_\_\_ acre(s) in Pamlico County, North Carolina, as described in Exhibit "B" which is attached hereto and made a part hereof and further described by a legal description as **filed at Pamlico County Register of Deeds Office – Book \_\_\_\_\_, Page \_\_\_\_\_.**

This LEASE and MAINTENANCE AGREEMENT is executed upon the following terms and conditions:

1. TERM: For **ten (10)** years which shall begin on the 20<sup>th</sup> day of October, 2017 and shall exist and continue until the 20<sup>th</sup> day of October, 2027, unless sooner terminated as hereinafter set forth.
2. RENT: The LESSEE agrees to pay rent to LESSOR of ONE DOLLAR (\$1.00) per year for the leased premises, payable as **ten dollars (\$10.00) to the County of Pamlico** in advance for the full term of the lease, and additional consideration in the form of the required maintenance of the property according to the terms of this Agreement.
3. ASSIGNMENT/SUBLETTING: This lease shall not be assigned, or the leased property sublet, without the written consent of the LESSOR.
4. TERMINATION: Either party shall have the right to terminate this Lease and Maintenance Agreement upon ninety (90) days written notice to the other party.
5. MAINTENANCE: During the term of this lease, LESSEE shall maintain the real property in good condition; including cutting grass or other vegetation, trimming of shrubs and plants as necessary, maintaining dock/pier in good fashion and assuring that neither trash nor other debris accumulates upon the property.
6. PERMISSIBLE USES OF PROPERTY: The real property, the subject of this Agreement is restricted to certain uses, as follows:

**THE FOLLOWING USES OF THE PROPERTY ARE NOT ALLOWED:**

- No commercial use of the property, *no income to be generated from lease of this property*,
- No timbering,
- No hunting shall be allowed,
- No new structures or utility services (electric, water, etc.) may be placed or constructed upon the property.
- No uses restricted in Exhibit "A" which is attached hereto and made a part hereof

**THE FOLLOWING USES OF THE PROPERTY ARE ALLOWED:**

- Open space, recreational, or wetland, which includes:  
parks, outdoor recreational activities, nature reserves, cultivation, and grazing.

Compatible uses as identified in Exhibit "A" which is attached hereto and made a part hereof

NO OTHER USES ARE TO BE PERMITTED UPON THIS PROPERTY. See "Exhibit A" for further restrictions.

Furthermore, any use of the property shall be in conformity with all existing deed restrictions and covenants of record in the office of the Register of Deeds in Pamlico County, North Carolina.

7. LESSOR may periodically visit and examine the property to assure that all provisions of this Lease Maintenance Agreement are being followed.
8. LESSEE shall insure to LESSOR that LESSEE will make no unlawful or offensive use of the premises, nor allow any others to do so.
9. LESSEE shall, whether by direct payment or by reimbursement to LESSOR, satisfy payment of any Home Owner's Association dues that are billed after the date of this lease.
10. DEFAULT: Failure of LESSEE to maintain the property according to the terms of this Agreement shall constitute a default under this Agreement, and if such default shall continue for a period exceeding ten (10) days, or if the LESSEE shall violate any of the other provisions of this Agreement, and such default shall not have been cured or such cure not initiated within 30 days of receipt by LESSEE of a written notice of such default, the LESSOR, without any other notice or demand, may terminate this Agreement and require LESSEE to immediately surrender the premises.
11. INSURANCE: LESSEE shall during the entire term of this Agreement, keep in full force and effect a policy of general liability insurance with respect to the premises, an amount not less than \$100,000.

IN TESTIMONY WHEREOF, this Agreement has been executed by the parties hereto, in duplicate originals, as of the date first above written.

Pamlico County:

LESSOR: By: \_\_\_\_\_

Title: \_\_\_\_\_

LESSEE: \_\_\_\_\_

Name

Address

LESSEE: \_\_\_\_\_

Name

Address

NORTHCAROLINA  
PAMLICO COUNTY

I, Courtney L. Norfleet, a Notary Public of the aforesaid County and State, certify that Timothy A. Buck personally appeared before me and acknowledged that he is County Manager of Pamlico County, North Carolina and pursuant to authority duly given, and as an act of the County; he executed this Agreement for the purpose herein expressed.

WITNESS my hand and Notarial Seal this the \_\_\_\_ day of \_\_\_\_\_, 2017

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:

\_\_\_\_\_

NORTHCAROLINA  
\_\_\_\_\_ COUNTY

I, \_\_\_\_\_ a Notary Public of the aforesaid County and State, certify that  
\_\_\_\_\_, personally appeared before me this day and acknowledged  
the due execution of the foregoing Agreement for the purposes herein set forth.

WITNESS my hand and Notarial Seal this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:  
\_\_\_\_\_

**BE IT RESOLVED, the request for approval designating Major A. Scott Houston as Pamlico County's designated official to make recommendations to the North Carolina Alcoholic Beverage Control Commission on ABC permit applications is hereby approved.**

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 reappoint Ms. Cynthia Delamar to the Pamlico County Jury Commission for a two (2) year term is hereby approved.**

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

**BE IT RESOLVED, the request for approval of Change Order #1, Pamlico County Water Department Renovations is hereby approved in the amount of \$7,970.**

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

**BE IT RESOLVED, the request for approval of Geotechnologies, Inc. contract to provide subsurface investigation at the new Reelsboro Elevated Tank site in the amount of \$3,440 is hereby approved.**

**BE IT FURTHER RESOLVED, the following mini-brooks act waiver is hereby approved.**

PAMLICO COUNTY

RESOLUTION PURSUANT TO

N.C.Gen.Stat. §143-64.32

**WHEREAS**, N.C.Gen.Stat. §143-64.31 requires the selection of firms to perform architectural, engineering, and surveying services by a County to be without regard to fee, after public announcement of such services; and,

**WHEREAS**, Pamlico County ("County") proposes to enter into an engineering service contract to conduct subsurface investigations related to the Reelsboro Elevated Tank Project; and,

**WHEREAS**, the amount of professional fees under the proposed Service Contract is estimated to be less than Fifty Thousand and No/100 Dollars (\$50,000.00); and,

**WHEREAS**, N.C.Gen.Stat. §143-64.32 allows a County to exempt itself from the requirements of N.C.Gen.Stat. §143-64.31, when the amount of professional fees is estimated to be less than Fifty Thousand and No/100 Dollars (\$50,000.00); and,

**WHEREAS**, the County finds that it is in its best interest to exempt the proposed Service Contract from the provisions of G.S. §143-64.31.

**NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF PAMLICO COUNTY RESOLVES:**

Section 1. The above-described Service Contract is hereby made exempt from the provisions of G.S. §143-64.31 for the reasons stated in this resolution.

Section 2. This resolution shall be effective upon adoption.

Adopted this 16th day of October, 2017.

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

**BE IT RESOLVED, the request for approval to set a public hearing regarding loan approval – Reelsboro Water Tower Project on November 6, 2017 is hereby approved.**

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

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Chairman

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Clerk to the Board