

**REGULAR SESSION OF THE PAMLICO COUNTY BOARD OF
COMMISSIONERS
MONDAY MAY 4, 2009**

The Pamlico County Board of Commissioners met in regular session on Monday May 4, 2009 at 7:00 p.m. in the Patsy H. Sadler Room of the Pamlico County Courthouse. All Commissioners were present. Also present were Attorney Kyle Dickerson, County Manager Tim Buck, Asst. Finance Officer Mary Jane Westphal and Clerk to the Board Kathy P. Cayton.

Chairman Paul Delamar called the meeting to order.

Reverend Grady Simpson gave the invocation.

Chairman Paul Delamar led the assemblage in the Pledge of Allegiance.

Chairman Paul Delamar called for corrections, additions and/or deletions of the regular and closed session minutes of the April 20, 2009 meeting. There being none on a motion made by Commissioner Ann Holton and seconded by Commissioner Kenny Heath, the following resolution was unanimously approved.

BE IT RESOLVED, the regular and closed session minutes of the April 20, 2009 meeting are hereby approved and the Chairman's signature is authorized thereon.

Chairman Paul Delamar asked if there were any additions and/or deletions to the agenda. There was one (1) item added.

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

BE IT RESOLVED, the information on the Sandy Netting Case will be added to the end of the agenda.

Chairman Paul Delamar recessed the Board of Commissioners meeting. Clerk to the Board Kathy P. Cayton swore in the Board of Commissioners as the Board of Equalization and Review. Chairman Paul Delamar called to order the Board of Equalization and Review.

Pamlico County Tax Appraiser Bo Allen presented four (4) appeals:

1. Mr. Leslie J. Moore came before the Board protesting the increase in his three (3) parcels.

HO41-12 / HO41-8 / H041-11

Mr. Bo Allen recommended no change to the assessed value. Mr. Allen stated the assessed values for the three (3) parcels have been unchanged since the 2004 county revaluation. His recommendation was based on an onsite inspection and the adopted 2004 schedule of values.

2. Mr. James F.Seybold: K08-72-23 is requesting that his assessed property value for Lot 23 of the Neuse Winds Subdivision be re-evaluated due to the inability for septic or sewer. Mr. Seybold purchased Lot 23 in 1995 with a "lifetime" septic permit. In 1998 the permit was retracted. Mr. Seybold appealed the action but lost the appeal. Mr. Seybold is unable to connect to Bay River Sewer at present time. Mr. Allen's recommendation was a 70% adjustment to the current assessed land value.
3. Mr. Curthue L. Johnson: L071-16 is requesting the value for his vacant lot be re-assessed. Mr. Johnson claims the parcel is non-usable land due to its acreage and has little to no value. Mr. Allen discovered that Mr. Johnson transferred the ownership of the parcel to James A. Johnson (no deed stamps recorded) on 09/28/07. Mr. Curthue Johnson is still receiving "Final Notice" statements from the Tax Office for 2007 unpaid taxes. The assessed value for the property was established during the 2004 revaluation. Mr. Allen recommended that until further evidence is provided to the Tax Office there should be no change in value.
4. Mr. Joseph Valinoti: J083-27-17 informed the Tax Office that he does not own the bulkhead that is listed on his property tax record. Mr. Valinoti's parcel is located at 5309 Bogue Drive in the Sea Vista-Windward Shores Subdivision. Mr. Allen said the he upon review of Mr. Valinoti's appeal discovered the bulkhead is not solely owned by Mr. Valinoti but is part of the common area described as "Beach". A homeowners association has never been formed. The Dolphin Company of Oriental was the developer and never conveyed it over to a homeowners association. Until a few years ago the developer maintained the common area now Mr. Valinoti and adjoining property owners share the upkeep. Mr. Allen said that no recommendations have been determined.

On a motion made by Commissioner Roy Brinson and seconded by Commissioner Jimmy Spain, the following resolution was unanimously approved.

BE IT RESOLVED, that Mr. Bo Allen, Tax Appraiser recommendations of the following appeals are hereby approved.

- **Mr. Leslie J. Moore three (3) parcels HO41-12 / HO41-8 / H041-11 no change in value.**
- **Mr. James F.Seybold: K08-72-23- reduced by 70% adjustment to the current assessed land value.**

- **Mr. Curthue L. Johnson: L071-16: Need more information before a decision is made.**

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

BE IT RESOLVED, the appeal of Mr. Joseph Valinoti: J083-27-17 is hereby approved contingent upon the bulkhead being removed from his tax card.

The Board then turned their attention to the Consent Agenda.

On a motion made by Commissioner Jimmy Spain and seconded by Commissioner Roy Brinson, the following resolutions were unanimously approved.

RESOLUTION OPPOSING TORT CLAIMS BILL

WHEREAS, legislation has been introduced (Senate Bill 1026) that would change the laws governing the ways that legal action is taken against Counties; and

WHEREAS, under current law, Counties can choose to waive their governmental immunity through the purchase of liability insurance; and

WHEREAS, Senate Bill 1026 eliminates the choice and prohibits administrative resolution of any claims greater than \$25,000 unless reviewed and approved by the court; and

WHEREAS, the bill establishes a cap of \$1 million per person per occurrence for awards and exempts from that limitation damages and claims that arise out of the exercise of proprietary functions; and

WHEREAS, the bill redefines proprietary functions to include many more functions than are currently considered proprietary and for which functions there is no cap; and

WHEREAS, the effect of this bill is to increase the number of cases that will go to trial; few cases are likely to be resolved through local administrative processes, which will increase personnel and insurance costs for counties; and

WHEREAS, the bill eliminates any predictability of the County's claim experience; and

WHEREAS, claims will be larger because aggrieved parties will have to recover attorney costs that under current law are not necessary to reach settlement; and

NOW THEREFORE BE IT RESOLVED, that the Board of Commissioners of Pamlico County opposes SENATE BILL 1026, Tort Claims Bill, as it will significantly impact Pamlico County resulting in unpredictable and increased costs; and

BE IT FURTHER RESOLVED, that a copy of this resolution be delivered to the members of the General Assembly representing Pamlico County.

Adopted this the 4th day of May, 2009.

s/s Paul J. Delamar
Chairman

s/s Kathy P. Cayton
Clerk to the Board

BE IT RESOLVED, the request for approval of the application requesting to draw down Public School Capital Building Fund /North Carolina Education Lottery Funds. Proceeds will fund partial debt service payment for the High School Cafeteria Project.

BE IT RESOLVED, the following Budget Revisions are hereby approved.

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.

(R)= REVENUES (E)=EXPENDITURES		FISCAL YEAR 2008-2009	
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT (-) DECREASED
109870 500000	Contribution to Water		200,000
300226 430010	General Fund contribution		200,000

Reason for Budget Revision:

Board withdrew allocation as not needed at this time, if funds required can use capital funds

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(R)= REVENUES (E)=EXPENDITURES FISCAL YEAR 2008-2009

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT (-) DECREASED
470000 391000	E911 fund balance		520,078
100000 391000	General Fund balance	520,078	

Reason for Budget Revision:

Transfer Jan 08 balance E911 wire funds to general per NC session law 2007-383

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(R)= REVENUES (E)=EXPENDITURES FISCAL YEAR 2008-2009

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT (-) DECREASED
104170-529000	Departmental Supplies		\$1509.46
104170-555000	Capital Outlays	\$809.46	
104170-526000	Office Supplies	\$700.00	
104170-538100	Programming		\$6,000.00
104170-517000	Per Diem	\$3,000.00	
104170-512600	Salaries & Wages P/T	\$3,000.00	
104170-534000	Printing		\$2,000.00
104170-531000	Travel	\$2,000.00	

Reason for Budget Revision:

The Board of Elections requests line item transfers to cover the expenses related to the November 2008 General Election.

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(R)= REVENUES (E)=EXPENDITURES FISCAL YEAR 2008-2009

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT (-) DECREASED
104330-519900	Contracted Services	\$3,040.00	

Reason for Budget Revision:

To undertake the preparation of the required update to the Hazard Mitigation Plan

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.

(R)= REVENUES (E)=EXPENDITURES		FISCAL YEAR 2008-2009	
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT (-) DECREASED
105110-522000	General Health- Food	\$120.00	
105110-549100	General Health- Dues & Fees		\$120.00

Reason for Budget Revision:

The Health Department requests this transfer in order to correct the overage in Acct. #105110-52000.

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.

(R)= REVENUES (E)=EXPENDITURES		FISCAL YEAR 2008-2009	
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT (-) DECREASED
100211-435181	Food & Lodging Revenue	\$1,616.19	
105191-529000	Departmental Supplies	\$1,616.19	

Reason for Budget Revision:

The Health Department received additional funds from the State and would like them disbursed to Departmental Supplies.

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.

(R)= REVENUES (E)=EXPENDITURES		FISCAL YEAR 2008-2009	
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT (-) DECREASED
100211-435152	Family Planning	\$1,819.00	
105164-519900	Family Planning- Contract Serv.	\$910.00	
105164-529000	Family Planning- Dept. Supplies	\$909.00	

Reason for Budget Revision:

The Health Department received additional funds from the State and would like them disbursed to the above accounts

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.

(R)= REVENUES (E)=EXPENDITURES		FISCAL YEAR 2008-2009	
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT (-) DECREASED
100211-435152	Family Planning	\$2,800.00	
105164-519900	Family Planning- Contract Services	\$2,800.00	

Reason for Budget Revision:

The Health Department received additional funds from the State and would like them disbursed as above.

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.

(R)= REVENUES (E)=EXPENDITURES		FISCAL YEAR 2008-2009	
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT (-) DECREASED
105310-519200	Professional Services		\$9,500.00
105310-519900	Contracted Services	\$9,500.00	
105310-533000	Electrical		\$2,000.00
105310-533001	Water & Sewer	\$2,000.00	
105310-526000	Office Supplies	\$3,000.00	
105310-532001	Postage	\$4,000.00	
105310-537000	Advertising	\$775.00	
105310-549100	Dues and Subscriptions	\$200.00	
105310-549901	Miscellaneous	\$200.00	
105310-529000	Technology Departmental Supplies		\$4,500.00
105310-535200	M & R- Equipment		\$1,000.00
105310-535600	M & R- Building		\$2,675.00
105372-553200	Work First Participant Transportation	\$2,000.00	
105372-553500	Individual/Family Adjmt.	\$1,000.00	
105372-553600	Day Care for Adults		\$3,000.00

Reason for Budget Revision:

The Human Services Center requests to transfer these items to cover lines that will be overspent.

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(R)= REVENUES (E)=EXPENDITURES		FISCAL YEAR 2008-2009	
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT (-) DECREASED
105310-512100	Exempt Salaries		
105310-512103	Salary Supplement	\$500.00	
105310-512700	Longevity	\$821.00	
105310-518100	FICA		\$2,344.00
105310-518101	Medicare Expense	\$548.00	
105310-518200	Retirement Expense		\$1,854.00
105310-518210	401K		\$1,119.00
105310-518300	Group Insurance		\$6,300.00
105373-512100	Exempt Salaries	\$36,308.00	
105373-512103	Salary Supplement	\$500.00	
105373-512700	Longevity	\$821.00	
105373-518100	FICA	\$2,344.00	
105373-518101	Medicare Expense	\$548.00	
105373-518200	Retirement Expense	\$1,854.00	
105373-518210	401K	\$1,119.00	
105373-518300	Group Insurance	\$6,300.00	

Reason for Budget Revision:

To move Technology salary and budget to new technology salary and benefit accounts.

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.

(R)= REVENUES (E)=EXPENDITURES		FISCAL YEAR 2008-2009	
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT (-) DECREASED
105310-549901	Miscellaneous		\$141.70
750000-302364			\$1.90
750000-302320			\$100.00
750000-302359			\$56.40
750000-302357			\$300.00

Reason for Budget Revision:

Human Services requests these transfers to close inactive trustee accounts that are retaining a negative balance and to correct a deposit made to a trustee account in error.

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.

(R)= REVENUES (E)=EXPENDITURES FISCAL YEAR 2008-2009

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT (-) DECREASED
100212-435803	Work First/Employment Transp.		\$4,731.00
105374-548709	Work First/Employment Transp.		\$4,731.00
100212-435808	Rural General Public Grant	\$21,958.00	
105801-548708	Transportation-RGP Grant		\$21,958.00
100212-435800	Elderly & Disabled Trans. Prog.		\$40,559.00
105800-548703	Transportation- DSS		\$7,420.00
105800-548704	Transportation- Senior Center	\$1,046.00	
105800-548706	Transportation- PCC General Fund		\$4,093.00 \$28,000.00

Reason for Budget Revision:

Human Services requests to correct revenue and expense accounts to match the 2008-2009 Rural Operating Assistance Program Grant.

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.

(R)= REVENUES (E)=EXPENDITURES FISCAL YEAR 2008-2009

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT (-) DECREASED
105481-500000	Crisis Intervention Program	\$29,210.00	
105491-500000	Progress Energy- Energy Neighbor		\$215.80
105370-519000	Domestic Violence	\$653.00	
100212-435310	Administrative Reimbursement		\$30,078.80

Reason for Budget Revision:

Human Services received additional funding and would like it reflected as above.

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.

(R)= REVENUES (E)=EXPENDITURES FISCAL YEAR 2008-2009

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT (-) DECREASED
105000-535600	M & R Building		\$16,000.00
105000-525100	Auto Supplies	\$16,000.00	

Reason for Budget Revision:

To transfer line items to maintain the 08-09FY budget

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.

(R)= REVENUES (E)=EXPENDITURES		FISCAL YEAR 2008-2009	
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT (-) DECREASED
106120-519900	Contracted Services		\$2,274.00
106120-521200	Uniforms	\$800.00	
106120-545000	Ins, Bonds	\$74.00	
106120-549801	Softball	\$1,400.00	
106120-529000	Departmental Supplies		\$500.00
106120-531000	Travel		\$1,000.00
106120-535200	M & R Equipment		\$1,000.00
106120-535300	M & R- Auto	\$2,500.00	
106120-535100	M & R Ground		\$3,300.00
106120-532001	Postage	\$300.00	
106120-525100	Auto Supplies	\$3,000.00	

Reason for Budget Revision:

To transfer funds to different accounts for Parks and 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.

(R)= REVENUES (E)=EXPENDITURES		FISCAL YEAR 2008-2009	
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT (-) DECREASED
104930-519900	Contract Services		\$752.00
104930-522000	Food	\$150.00	
104930-525100	Auto Supplies	\$300.00	
104930-531000	Travel		\$300.00
104930-532001	Postage		\$253.00
104930-535100	M & R Grounds	\$400.00	
104930-535300	M & R Auto	\$250.00	
104930-537000	Advertising	\$115.00	
104930-549100	Dues/Subscriptions	\$90.00	

Reason for Budget Revision:

Senior Services requests to adjust line items to cover overages.

BE IT RESOLVED, the request for approval of fireworks for the Croaker Festival on July 4, 2009 with an alternate rain date of July 5, 2009 is hereby approved.

BE IT RESOLVED, the request from Ms. Linda Potter, Senior Service Director for approval of the low bidder J&S at \$4.35 per meal for the provision of the Nutritional Meals Program.

Mr. Walt Hucks, Chairman of the Pamlico Information Network (PINE) was in attendance to request an extension of the loan repayment schedule of the outstanding balance of their original loan. The current loan balance is \$3,177.60 and PINE is requesting to extend the payments through December 2009. The loan was previously extended with an anticipation of payoff of June 2009.

Commissioner Christine Mele asked to be excused from discussion and voting on this issue due to conflict of interest.

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

BE IT RESOLVED, to excuse Commissioner Christine Mele from discussion and voting on the PINE request due to conflict of interest.

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

BE IT RESOLVED, the request from PINE for an extension of their loan repayment through December 2009 is hereby approved.

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

BE IT RESOLVED, the request from Ms. Mary Swift Grice for a subordination of the refinancing of the mortgage on her home from acquired from the Hurricane Floyd Crisis Housing Program in 2002 is hereby approved.

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

BE IT RESOLVED, the change order in the amount of \$7,865.00 on the Mill Pond Water Plant repairs is hereby approved.

On a motion made by Commissioner Jimmy Spain and seconded by Commissioner Roy Brinson, the following resolution was passed by majority vote. Commissioner Carl Ollison casted a dissenting vote.

BE IT RESLOVED, the 2009 Debris Related Contract with Mr. Barry Johnson of Johnson Environmental in the amount of \$7,505.00 is hereby approved.

The following appointment requests are hereby tabled for two (2) weeks.

- Two appointments to the Senior Service Advisory Committee/Home Community Care Block Grant Committee
- Appointment to the Pamlico Community College Board of Trustees

On a motion made by Commissioner Jimmy Spain and seconded by Commissioner Jimmy Spain and seconded by Commissioner Ann Holton, the following resolution was passed by majority vote. Commissioner Christine Mele, cast a dissenting vote.

BE IT RESOLVED, the request for a letter of support for the Four Bridges Project which is the replacement of four (4) obsolete wooden railroad bridges in Eastern North Carolina is hereby approved.

Chairman Paul Delamar informed Board Members that the mediation was conducted with the Sandra Netting -vs- Pamlico County on April 30, 2009. An ultimate solution was decided and the County was asked to contribute \$1,500 and the others involved were asked to contribute \$2,500.

On a motion made by Commissioner Jimmy Spain and seconded by Commissioner Roy Brinson, the following resolution was unanimously approved.

BE IT RESOLVED, that Pamlico County's portion of the Sandra Netting –vs- Pamlico County settlement of \$1,500 is hereby approved.

A motion was made by Commissioner Roy Brinson and seconded by Commissioner Jimmy Spain, the Board unanimously agreed to add the ABC resolution.

On a motion made by Commissioner Roy Brinson and seconded by Commissioner Jimmy Spain, the following resolution was passed by majority vote. Commissioner Christine Mele cast a dissenting vote.

RESOLUTION OPPOSING FORCED MERGERS OF LOCAL ABC BOARDS

WHEREAS, the citizens of Pamlico County voted to permit the sale of spirituous liquor through the establishment of the Pamlico County ABC Board, which is a part of the North Carolina's state control system;

WHEREAS, SB839/HB768- Modernization of the ABC System would require all ABC boards in a county to merge, allow the state ABC Commission to merge county-wide boards into regional boards, require the ABC Commission to develop performance standards, allow the ABC Commission to close or merge ABC boards, close ABC stores with low profitability, contract directly with agency stores for the sale of spirits where ABC stores are authorized but not in operation, and require an ABC board to contract with an agency store;

WHEREAS, it is a local decision to establish and operate an ABC store, and any decision to merge an ABC board should be made by the local government based on local circumstances, and not by state;

WHEREAS, a local government balances control, profits and availability of spirits in operating ABC stores;

WHEREAS, the decision by a local government to operate with a low profit margin does not reduce the amount of liquor excise tax received by the state, so the state does not have a financial interest in the profitability of ABC stores;

WHEREAS, an “agency store” is a private retail seller, and the citizens of Pamlico County, when voting to permit the operation of ABC stores, did not vote to allow liquor to be sold in such private off-premise retail establishments;

WHEREAS, sales of liquor may not be well-regulated in agency stores, thereby potentially creating law enforcement and other problems, Pamlico County desires to retain North Carolina’s system over the sales of spirits and to continue to make spirits available to its citizens only through its ABC stores;

NOW THEREFORE, BE IT RESOLVED, by the Pamlico County Board of Commissioners that the establishment and operation of the Pamlico County’s ABC stores through the control system should be a local decision and that the Pamlico County Board of Commissioners opposes any state mandate to merge ABC Boards, mandate the merger or closing of ABC stores and opposes the establishment of agency stores.

This adopted on the 4th day of May 2009.

s/s/ Paul J. Delamar
Chairman

s/s Kathy P. Cayton
Clerk to the Board

On a motion made by Commissioner Ann Holton and seconded by Commissioner Jimmy Spain, the Board went into closed session in accordance with G. S. 143.318.11(a) 6 Attorney/ Client privilege.

On a motion made by Commissioner Jimmy Spain and seconded by Commissioner Jimmy Spain, the Board went back into open session.

No action was taken in closed session.

There being no further business on a motion made by Commissioner Christine Mele and seconded by Commissioner Kenny Heath, the Board adjourned until Monday May 18, 2009 at 7:00 p.m.

Chairman

Clerk to the Board