

**REGULAR SESSION OF THE PAMLICO COUNTY BOARD OF
COMMISSIONERS
MONDAY MAY 17, 2010**

The Pamlico County Board of Commissioners met in regular session on Monday May 17, 2010 at 7:00 p.m. in the Patsy H. Sadler's Room of the Pamlico County Courthouse. All Commissioners were present as were Attorney Jimmie Hicks, County Manager Tim Buck, Finance Officer Mary Jane Westphal and Deputy Clerk to the Board Anita G. Owens.

Chairman Paul Delamar called the meeting to order.

On a motion made by Commissioner Ann Holton and seconded by Commissioner Roy Brinson the following resolution was unanimously approved.

BE IT RESOLVED, the May 3, 2010, regular and budget session minutes are hereby approved and the Chairman's signature is authorized thereon.

Chairman Paul Delamar asked if there were any additions or deletions to the agenda. There was one (1) deletion and three (3) additions.

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

BE IT RESOLVED, the discussion of a proposed plan for water rate changes is hereby deleted from the agenda.

On a motion made by Commissioner Christine Mele and seconded by Commissioner Ann Holton the following resolutions were unanimously approved.

BE IT RESOLVED, a request for the Clerk to set a public hearing date of June 7, 2010 to allow public response to the draft approval of the Hazard Mitigation Plan Update is hereby added to the agenda.

BE IT RESOLVED, the request for approval of the final draft of the Early Retirement Incentive Program is hereby added to the agenda.

BE IT RESOLVED, a request from Al Gerard, Field Operations Manager for approval of the engineering contract with Thomas Engineering and to authorize bidding on the Vandemere Water Plant improvement project is hereby added to the agenda.

There were no members of the public to speak during public comment period.

Chairman Paul Delamar recessed the Board of Commissioners and reconvened the Monday, May 3, 2010 meeting of the Board of Equalization and Review.

Chairman Paul Delamar introduced Ms. Kathy Tyndall, Tax Administrator to give information on the three (3) appeals.

1. The appeal on Mr. Booker T. Jones' property at 78 Water Lane Map # K031-18 was tabled at the Monday, May 3, 2010 meeting. Ms. Kathy Tyndall, having reviewed the information presented at that meeting and having reviewed comparable sales in the area, recommended that the house value be reduced by 75%. If approved, the house value will be reduced from \$13,404 to \$3,376. She further recommended no reduction in value of the land.

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

BE IT RESOLVED, the value of the house owned by Mr. Booker T. Jones located at 78 Water Lane, Mesic, NC, Map# K031-18 is hereby reduced from \$13,504 to \$3,376 due to the house being condemned and unfit for human habitation. The land value at same location will receive no reduction in value.

2. Bret Doman, owner of Port Vandemere, and who was not in attendance requested that the tax office reconsider the values placed on lots in Port Vandemere; especially those on the waterfront. Ms. Kathy Tyndall, having reviewed comparable subdivisions located within or near the same area, made an opinion that the values were much higher than the comparables. She stated that when Port Vandemere was placed on the tax scrolls, it was compared to a higher end subdivision and thus an incorrect schedule of values was used. Ms. Tyndall recommended the overall value of the lots be reduced by \$1,330,250.

3. David Matthews, owner of 235 Shell Castle Lane, Map# K04-6-20 in Port Vandemere subdivision, was not in attendance. However, he requested his property value also be reduced in accordance with the pending Port Vandemere protest of value. Ms. Tyndall recommended the value of this lot be reduced from \$183,000 to \$93,000.

Commissioner Roy Brinson made a motion to accept the Tax Administrator's recommendation and Commissioner Carl Ollison seconded the motion. The motion failed for lack of a majority vote. Commissioners Christine Mele, Kenny Heath, Ann Holton, and Jimmy Spain cast dissenting votes.

The Board of Equalization and Review recessed until a later date when Ms. Tyndall expects to have at least two other appeals.

Chairman Paul Delamar called the Board of Commissioners back into session.

Chairman Paul Delamar recognized Dr. James Coon, Superintendent of Pamlico County Schools who came before the Board, along with Steve Curtis, Finance Officer, to give an overview of their budget.

Board members thanked Dr. Coon and Mr. Curtis for the presentation.

The Board then turned their attention to the consent agenda. On a motion made by Commissioner Carl Ollison and seconded by Commissioner Roy Brinson, the following resolutions were unanimously approved.

BE IT RESOLVED, the request from Mr. Tim Buck, County Manager, for approval to advertise for a public hearing to be held on June 21, 2010 for the FY 10-11 Budget is hereby approved.

BE IT RESOLVED, the request from Mr. Tim Buck, County Manager, for approval to reappoint Carla Byrnes and Wayne Brackin to the Workforce Development Board is hereby approved.

BE IT RESOLVED, the request from Ms. Candy Bohmert, Soil and Water Conservation District Technician to renew the contract with NC Department of Environment and Natural Resources for the provision of nutrient loss reporting is hereby approved.

BE IT RESOLVED, the request from Ms. Mary Jane Westphal, Finance Officer, to change the accounting procedure to record contributions to the Revaluation Fund is hereby approved.

The Board then turned their attention to the Correspondence Agenda.

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

BE IT RESOLVED, the request to appoint Mr. Reggie Hawkins to the BRMSD Board to fill the unexpired term of Mr. Harry Rich is hereby approved.

A budget workshop was set for May 24, 2010 at 1:00 pm.

On a motion made by Commissioner Carl Ollison and seconded by Commissioner Ann Holton, and the board unanimously agreed to table the request to appoint a replacement for Mr. Charles Hardison on the Pamlico County College Board.

Commissioner Paul Delamar encouraged the board to seek qualified applicants for seven (7) positions on the Coastal Resource Commission.

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

BE IT RESOLVED, the request to set a public hearing for June 7, 2010 to allow public response to the draft approval of the Hazard Mitigation Plan Update is hereby approved.

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

BE IT RESOLVED, the request from Stephanie Hucks, Personnel Director for approval of the final draft of the Early Retirement Incentive Program is hereby approved and attached herein.

**COUNTY OF PAMLICO
RETIREMENT INCENTIVE PROGRAM DESCRIPTION**

County of Pamlico has developed a Retirement Incentive Program (“Program”) in an effort to achieve cost savings for the County and provide eligible employees an incentive to retire by receiving a lump sum payment. The lump sum payment will be fifteen percent (15%) of the eligible employee’s annual salary. **This is a voluntary Program.** Any employee who believes that he or she is being coerced to retire should report this to the Personnel Officer for investigation.

Employees considering participation in this Program are advised to seek an attorney’s advice and counsel concerning the terms of the Election and Release Form.

EMPLOYEES COVERED BY THE PROGRAM:

All full-time and part-time benefited County of Pamlico employees, excluding law enforcement officers as defined by N.C. Gen. Stat. § 128-21(11b), who meet the eligibility requirements listed below are eligible for the Program.

Pursuant to N.C. Gen. Stat. § 128-21(11b), a law enforcement officer is defined as a full-time paid employee of an employer, who possesses the power of arrest, who has taken the law enforcement oath administered under the authority of the State as prescribed by G.S. 11-11, and who is certified as a law enforcement officer under the provisions of Chapter 17C of the General Statutes or certified as a deputy sheriff under the provisions of Chapter 17E of the General Statutes. “Law enforcement officer” also means the sheriff of the county.

ELIGIBILITY REQUIREMENTS:

To be eligible for the Retirement Incentive Program, participants must:

- Meet the qualifications for an **unreduced** retirement under the North Carolina Local Governmental Employees' Retirement System (NCLGERS). Employees who opted out of the North Carolina Local Governmental Employees' Retirement System in 1977 and meet service and age requirements will also be eligible (See eligibility requirements below.)
- Elect to retire with an effective date of July 1, 2010 through December 1, 2010
- Execute the Retirement Incentive Program Election and Release Form ("Release") and submit the executed Release to the Personnel Department by July 6, 2010
- Choose not to revoke their signed "Election and Release" submitted to Personnel Department
- Have not submitted a written intent to retire prior to May 20, 2010, the effective date of this Program
- Comply with all of the requirements set forth, including the timely submission of all required forms

ELIGIBILITY REQUIREMENTS UNDER NCLGERS FOR EMPLOYEES OTHER THAN LAW ENFORCEMENT OFFICERS:

To qualify for unreduced benefits under the North Carolina Local Governmental Employees' Retirement System, Local Governmental employees, excluding law enforcement officers, must have:

- Thirty (30) or more years of creditable service, regardless of age
- Attained at least age 60 and completed at least 25 years of creditable service
- Attained at least age 65 and completed at least 5 years of creditable service

Sick leave may be applied to creditable service in accordance with the provisions of the North Carolina Local Governmental Employees' Retirement System

TIME LIMITS APPLICABLE TO THE PROGRAM:

- **May 17, 2010** -- Program approved by the Pamlico County Board of County Commissioners.
- **May 20, 2010** -- Information regarding the Program distributed to all employees. Additional information and forms distributed to County-identified employees as Program-eligible.
- **June 2 and June 3, 2010** --Retirement Incentive Program Group Sessions will be conducted in the BOC Meeting Room:
 Wednesday, June 2, 2010: 10:30 a.m. to 12 noon
 Thursday, June 3, 2010: 2:00 p.m. to 3:30 p.m.
- **July 6, 2010** – Deadline for Eligible employees who voluntarily elect to participate in the Program to execute and submit the Retirement Incentive Program Election and Release Form to the County Personnel Department.
- **July 13, 2010** – **The final deadline** for any Eligible employees to revoke their Release and as a result will be not eligible for the Program.

However, the revocation shall be effective only if submitted within seven days following submission of the Release Form.

- **December 1, 2010** – The last effective date to retire under the Program. The County Manager has the authority to delay an employee's effective retirement date up to January 1, 2011 for business purposes. However, the employee must have met the eligibility requirement by December 1, 2010, and must have submitted all required elections and forms by the end of the Election Period (July 6, 2010).
- The North Carolina Local Governmental Employees' Retirement System recommends that employees submit applications for retirement at least ninety (90) to one hundred twenty (120) days before the retirement effective date in order to timely receive initial retirement benefits. Applications cannot be submitted more than 120 days prior to the retirement effective date.

BENEFITS AVAILABLE UNDER THE PROGRAM:

Eligible employees, who elect to participate in the Program and comply with all requirements of the Program within the specified time limits, will receive a lump sum payment of fifteen percent (15%) of the employee's annual salary. For example, if an Eligible Employee earns a salary of twenty five thousand dollars annually (\$25,000), the Incentive Payment for that employee would be three thousand seven hundred and fifty dollars (\$3750).

- The lump-sum payment will be made within thirty (30) days following the effective date of retirement and will be subject to normal statutory deductions. Such payment will not be considered in the final compensation amount used for the calculation of retirement benefits and will be subject to deductions based on pension laws governing payroll deductions.
- Payment for earned vacation, and longevity amount will be handled in accordance with County policies and procedures and would be in addition to the lump sum payment.
- Eligible employees who retire under this Program will be eligible for all normal post-retirement benefits according to applicable County policy.

RE-EMPLOYMENT

An employee electing to participate in the Program shall not be eligible for reemployment with the County either directly or indirectly through a temporary services agency or a County board or commission that has the authority to hire personnel.

MISCONDUCT/PERFORMANCE FAILURE

An employee's election to participate in the Program does not release the employee from the obligation to adhere to County and department policies and procedures, nor does the election excuse an employee from the application of the County's conduct rules, disciplinary policies and procedures. Any employee who has elected to participate in the Program and who engages in conduct that

results in termination prior to his or her separation date will be disqualified from participating in the Program and his or her Release shall be null and void. In the event a grievance is filed and the suspension pending termination is not upheld, the employee shall receive any Program payment(s) that the employee is otherwise eligible to receive under the terms of the Program.

RETIREMENT INCENTIVE PROGRAM GROUP SESSIONS

The Personnel Department will offer group sessions during the month of June 2010. All eligible employees who meet the Program requirements are encouraged to attend one of these sessions to get their questions answered.

RETIREMENT APPLICATION PROCESS

Employees who elect to participate in the Retirement Incentive Program and meet all program requirements are encouraged to seek additional information from, and to submit an application for retirement to the North Carolina Local Governmental Employees' Retirement System as soon as possible. Eligible employees may also contact the Personnel Department for additional information.

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

BE IT RESOLVED, the request from Al Gerard, Field Operations Manager for approval of the engineering contract with Thomas Engineering and to authorize bidding on the Vandemere Water Plant improvement Project is hereby approved.

There being no further business the Chairman Paul Delamar recessed the Board until Monday May 24, 2010, 1:00 p.m.

Chairman

Deputy Clerk to the Board