

**REGULAR SESSION OF THE PAMLICO COUNTY BOARD OF  
COMMISSIONERS  
MONDAY DECEMBER 1, 2008**

The Pamlico County Board of Commissioners met in regular session on Monday December 1, 2008 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, Finance Officer Jim Philyaw and Clerk to the Board Kathy P. Cayton.

Chairman Doug Brinson called the meeting to order, delivered the invocation and led the assemblage in the Pledge of Allegiance.

Chairman Doug Brinson called for corrections and/or additions to the regular and closed session minutes of the November 17, 2008 meeting. There being none on a motion made by Commissioner Ann Holton and seconded by Commissioner Roy Brinson, the following resolution was unanimously approved.

**BE IT RESOLVED, the regular and closed session minutes of the November 17, 2008 meeting are hereby approved and the Chairman's signature is authorized thereon.**

Chairman Doug Brinson called for any old business.

The Board discussed the tabled Board of Health appointment. There were no applications. On a motion made by Commissioner Ann Holton and seconded by Commissioner Paul Delamar, the following resolution was unanimously approved.

**BE IT RESOLVED, that an advertisement requesting applications for the Engineer Position on the Pamlico County Board of Health will be placed in the local newspaper.**

Chairman Doug Brinson adjourned the meeting of the old Board of Commissioners.

Board of Commissioners and members of the public applauded Commissioner Doug Brinson for his sixteen (16) years of service.

Vice-Chairman Carl Ollison called to place the new Board Members.

Clerk of Superior Court Steven Hollowell, swore in the new Board Members:

Mr. Roy Brinson Sr. (incumbent)  
Mr. Kenny Heath  
Ms. Christine Mele (incumbent)

Vice-Chairman Carl Ollison turned the meeting over to Attorney Kyle Dickerson who conducted the election of the Chairman.

Commissioner Christine Mele nominated Commissioner Paul Delamar for Chairman and Commissioner Ann Holton for Vice-Chairman.

There were no other nominations.

Commissioner Paul Delamar was then appointed Chairman.

Chairman Paul Delamar called for a vote for Commissioner Ann Holton as Vice-Chairman.

A motion was made by Commissioner Carl Ollison and seconded by Commissioner Christine Mele, the Board unanimously appointed Commissioner Ann Holton as Vice-Chairman.

Chairman Paul Delamar called for the reaffirmation of the appointments of:

County Attorney	Jim Hicks
County Manager	Timothy A. Buck
Clerk to the Board	Kathy P. Cayton

On a motion made by Commissioner Christine Mele and seconded by Commissioner Ann Holton, the reaffirmation of the appointment of County Attorney Jim Hicks, County Manager Timothy A. Buck and Clerk to the Board Kathy P. Cayton were hereby approved.

Chairman Paul Delamar recognized Mr. Allen Henke, Carraway Coves Engineer who came before the Board to provide an update on their progress. Their bond was previously extended until December 3, 2008. Mr. Henke stated they had entered into construction agreements with two (2) contractors to complete the remaining work in the subdivision.

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

**BE IT RESOLVED, the bond for Carraway Coves is hereby extended until January 19, 2009.**

Chairman Paul Delamar asked if there were any additions and/or deletions to the agenda. There were none.

There were no citizens to comment during Public Comment Period.

County Manager Tim Buck informed Board Members that the Town of Oriental had agreed to a 2 ½ year commitment to the Oriental Recycling Site. Cost to Pamlico County to prepare the site would not exceed \$6,500.

On a motion made by Commissioner Carl Ollison and seconded by Commissioner Jimmy Spain, the following contract was unanimously approved.

**NORTH CAROLINA**

**AGREEMENT**

**PAMLICO COUNTY**

**THIS AGREEMENT** is made and entered into this   1st   day of   December  , 2008 by and between **PAMLICO COUNTY**, a body politic and corporate of the State of North Carolina (hereinafter "County"); and the **TOWN OF ORIENTAL**, a body politic and corporate of the State of North Carolina (hereinafter "Town").

**WITNESSETH:**

**WHEREAS**, Town owns Property at 6417 Straight Road in Pamlico County, North Carolina and,

**WHEREAS**, County operates a comprehensive solid waste management program, including recycling; and,

**WHEREAS**, the parties desire to allow County to place on the Real Property recycling bins and containers (hereinafter "containers").

**NOW, THEREFORE, BE IT RESOLVED**, by the parties as follows:

**ARTICLE 1**

**Responsibilities of Owner**

**1.1** Town shall allow County to place containers on the Real Property for the purpose of recycling activities. Town shall provide unobstructed access to the containers at all times.

**ARTICLE 2**

**Responsibilities of County**

**2.1** County shall place appropriate containers at the Real Property, in its sole discretion. These containers shall at all times remain the personal property of the County except for the container designated as the “Newspaper” container which is owned by the Town. The County will have rent free use of the “Newspaper” container and will insure that the container remains in good condition. Upon 90 day notice, the County will return the “Newspaper” container to the Town. The specific location of the containers upon the Real Property shall be at a place mutually agreed to by the parties.

**2.2** County shall assume all costs associated with preparing and maintaining the site including but not limited to culverts, gravel, fencing, trees, vegetative buffers, and signage as mutually agreed to by the parties. County shall keep the containers, and the area immediately adjacent thereto, in a clean and sightly fashion. The containers shall be emptied by County as needed to prevent the containers from over-flowing. The County shall also be responsible to keep any driveway and grounds immediately adjacent to the containers in good condition.

**2.3** County shall maintain in full force and effect a general liability insurance policy that includes the Recycling Site, in an amount not less than \$1,000,000.00.

### **ARTICLE 3**

#### **Term**

**3.1** This Agreement may be terminated by either party at any time for cause.

**3.2** This Agreement may be terminated by either party without cause after Thirty (30) Months from the date this "Agreement" is signed and upon 45 days written notice after the expiration of the 30 month lease period.

### **ARTICLE 4**

#### **Miscellaneous**

**4.1 Entire Agreement; Modification:** This Agreement supersedes all prior agreements and constitutes the entire agreement between the Parties hereto. It may not be amended or modified except by an instrument executed by both Parties.

**4.2 Severability:** If any of the provisions of this Agreement shall be held by a court of competent jurisdiction to be unconstitutional or unenforceable, the decision of such court shall not affect or impair any of the remaining provisions of this Agreement, and the Parties shall, to the extent they deem to be appropriate, take such actions as are necessary to correct any such unconstitutional or unenforceable provision. It is hereby declared to be the intent of the Parties to this Agreement that this Agreement would have been approved and executed had such an unconstitutional or unenforceable provision been excluded therefrom.

**4.3 Binding Effect:** This Agreement shall be binding upon and inure to the benefit of the Parties hereto and their respective legal representatives, successors, and assigns.

**4.4 Assignment:** Except as may otherwise be expressly provided herein, no party may assign any right, obligation, or liability arising hereunder without the other party's prior written consent. Any such assignment or attempted assignment shall be null and void.

**4.5 Headings:** Headings in this Agreement are for convenience and reference only and shall not be used to interpret or construe its provisions.

**4.6 Duplicate Originals:** This Agreement shall be executed in duplicate originals, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

**IN TESTIMONY WHEREOF**, the parties hereto have duly executed this Agreement in duplicate originals, a copy of which is retained by each of the parties, the day and year first above written.

s/s Paul Delamar  
Chairman

s/s Kathy P. Cayton  
Clerk to the Board

A motion was made by Commissioner Carl Ollison and seconded by Commissioner Jimmy Spain for discussion, to send a letter to BRMSD requesting they serve Bay Harbor Subdivision with sewer. This motion failed for lack of a majority vote. Commissioners Christine Mele, Kenny Heath, Jimmy Spain, Paul Delamar, Ann Holton and Roy Brinson cast dissenting votes.

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

**BE IT RESOLVED, the Dawson Creek Subdivision Bond discussion will be moved to the end of the agenda.**

On a motion made by Commissioner Ann Holton and seconded by Commissioner Carl Ollison, the request for appointments to four (4) vacant seats on the Pamlico county Nursing and Adult Care Home community Advisory Board is hereby tabled for two weeks.

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

**BE IT RESOLVED, the following Board appointments are hereby approved.**

- |   |                                  |
|---|----------------------------------|
| • <b>Building &amp; Grounds Committee</b> | <b>Commissioner Kenny Heath</b>  |
| • <b>Water Committee</b>                  | <b>Commissioner Carl Ollison</b> |
| • <b>Hurricane Committee</b>              | <b>Chairman Paul Delamar</b>     |
| • <b>Fire Commission</b>                  | <b>Commissioner Kenny Heath</b>  |

The Board agreed on the following committee meetings:

- Building and Grounds Committee on December 5, 2008 at 8:15 a.m.
- Water Committee on December 15, 2008 at 5:30 p.m.

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

**BE IT RESOLVED, that a Board of Commissioners Work Session will be held at the offices of Sumrell, Sugg, Carmichael, Hicks and Hart on Monday January 26, 2009 at 8:30 a.m.**

On a motion made by Commissioner Christine Mele and seconded by Commissioner Ann Holton, the Board went into closed session in accordance with G.S. 143.318.11 (a) 3 Client /Attorney privilege.

On a motion made by Commissioner Christine Mele and seconded by Commissioner Kenny Heath, 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 Jimmy Spain, the Board recessed until Monday December 8, 2008 at 8:00 a.m. to discuss the progress on the work on Dawson's Creek Subdivision.

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Chairman

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Clerk to the Board