

**REGULAR SESSION OF THE PAMLICO COUNTY BOARD OF
COMMISSIONERS
MONDAY FEBRUARY 16, 2009**

The Pamlico County Board of Commissioners met in regular session on Monday February 16, 2009 at 7:00 p.m. in the Patsy H. Sadler Room of the Pamlico County Courthouse. All Commissioners were present. Also present were County Attorney Jim Hicks, County Manager Tim Buck, Finance Officer Jim Philyaw and Clerk to the Board Kathy P. Cayton.

Chairman Paul Delamar called the meeting to order.

Chairman Paul Delamar called for corrections and/or additions to the minutes of the January 26, 2009 regular and closed session and the February 2, 2009 regular session meetings. There were none.

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

BE IT RESOLVED, the minutes of the January 26, 2009 regular and closed session and the February 2, 2009 regular session meetings are hereby approved and the Chairman's signature is authorized thereon.

There were no additions or deletions to the agenda.

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 Ann Holton and seconded by Commissioner Kenny Heath, the following resolutions were unanimously approved.

BE IT RESOLVED, the following Tax Refunds are hereby approved.

Name	Year	Tax/Ticket	Reason	Amount
Giacchino, Benjamin	07-08	22851/5587	Appraisal Error	\$ 455.74
Meadows, Danny	2008	7602/10547	Interest accrued	\$ 28.87
Hinson, Brett	2006	18639/15973	Taxpayer Moved	\$ 20.35
Nova Urgent Care	2008	19818/10634	Clerical error	\$ 717.75
Mackay, Norman	2008	19805/10511	Boat in Craven Cty.	\$ 415.38

Name	Year	Tax/Ticket	Reason	Amount
Burkhart, Richard	2008	18928/2100	Boat double listed	\$ 316.60
Stallings, Jim Jr.	07-08	25775/14953	DW moved	\$ 356.46
Ignatieff, Carol	2008	19232/10377	Boat not in Cty for 08	\$ 75.08
Johnson, Joel	2007	19443/8342	Boat not in Cty for 08	\$ 432.88
Smart, Katherine	2008	19813/10811	Correction in value	\$ 381.78
Fisher, Karen	07-08	16696/5638	House destroyed	\$ 120.24
Caton, Roberta	2008	18878/2849	Data Entry Error	\$ 16.59

BE IT RESOLVED, the Tax Collector's month end report for October 2008 is hereby approved.

BE IT RESOLVED, the request from Ms. Kathy Tyndall, Tax Administrator to advertise tax liens is hereby approved.

BE IT RESOLVED, the request for approval of the fireworks displays for the 2009 operating season at Camp Seagull is hereby approved.

BE IT RESOLVED, the lease agreement for the Leland Brinson Building from the North Carolina Department of Correction is hereby approved. The lease is for 384 square feet of office space at \$400.00 a month.

BE IT RESOLVED, the following Budget Amendments 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
104350-525100 (E)	General Fund-Inspections-Auto Supplies	\$3,450	
104350-519900 (E)	-Contracted Services		\$2,000
104350-526000 (E)	-Office Supplies		500
104350-532000 (E)	-Telephone		500
104350-535300 (E)	-Maint. & Repair Auto		250
104350-549100 (E)	-Dues and Subscriptions		200

Reason for Budget Revision:

This budget amendment represents a request by the Inspections Department Head to transfer funds to the above line item (Auto Supplies) to cover the increased cost of fuel, tires, etc. in excess of budgeted amount.

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 (E)	General Fund-Public Buildings-Maint. & Repair-Buildings		\$16,000
105000-525100 (E)	-Auto Supplies	\$16,000	

Reason for Budget Revision:

This budget revision is requested by the Public Buildings Department Head to cover the increased cost of fuel for his vehicles for the remainder of the current Fiscal Year.

BE IT RESOLVED, the Pamlico County Health Department Service Fee Schedule is hereby approved.

**PAMLICO COUNTY HEALTH DEPARTMENT
FEE SCHEDULE COMPARISON STUDY**

CPT code	DESCRIPTION	HSIS FEE	Medicaid Cost	MEDICAID RATE	PAMLICO MEDICAL CENTER	BCHD FEES	CCHD FEES	AVERAGE FEE	PROPOSED PCHD FEE 2008-2009
G0001	Medicare Venipuncture	n/c				8.00	8.00	8.00	8.00
J1055	Medroxyprogesterone Inj	60.00	9.60	40.50		60.00	53.06	44.63	60.00
J7300	Paragard IUD	400.00				413.00		406.50	400.00
J7302	Mirena IUD	n/c				542.00		542.00	pending info
LU018	Copy Medical Records	12.00 flat fee					10.00	11.00	12.00 flat fee
LU021	Form Completion	5.00 flat fee						5.00	5.00 flat fee
LU101	HIV Post Counseling	n/c							n/c
LU102	TB Screening Form	10.00 flat fee						10.00	10.00 flat fee
LU103	PPD Reading / Positive	n/c							n/c
LU104	PPD Reading / Negative	n/c							n/c
LU114	PPD/TST: private pay	15.00 flat fee	54.67	7.14	12.00	16.00	10.00	19.14	15.00 flat fee
LU201	Repeat PAP	n/c							n/c
LU230	BP Screen (V81.1)	n/c	38.60			2.00	5.00	15.20	2.00 flat fee
LU230	BP Check (w/hx) (401.9)	n/c	38.60			2.00	5.00	15.20	2.00 flat fee
LU232	Counsel Lab Results	n/c							n/c
LU	Condom Supply	n/c							n/c

233									
LU 242	Non-Billable STI Contact	n/c	83.83					83.83	n/c
S4993	Contraceptive Pills (BCP's)	3.25 / pack/ss				3.00		3.13	6.00/ pack/ss
T1002	RN STI/TB Billable Units	24.37	217.52	19.50		19.50		70.22	25.00
T1016	CSCP Billable Units	25.00	651.81	21.74		24.00		180.64	24.00
T1017	MCC Billable Units	35.00	247.00	29.30		29.30	88.00	85.72	35.00
36406	Venipuncture <3 yr	20.00						20.00	20.00
36415	Venipuncture > 3 yr	n/c							8.00
36416	Capillary Collection								

n/c = no charge shaded service: service not provided at PCHD at this time blank space = information was not available or was not provided ss=sliding scale fee

**PAMLICO COUNTY HEALTH DEPARTMENT
FEE SCHEDULE COMPARISON STUDY**

CPT CODE	DESCRIPTION	CURRENT HSIS FEE	MEDICAID COST STUDY	MEDICAID RATE	PAMLICO MEDICAL CENTER	BCHD FEES	CCHD FEES	AVERAGE FEE	PROPOSED PCHD FEE 2008-2009
57061	Condylomata Treatment								
58300	IUD Insertion	94.00	210.75	69.35		102.42	86.42	112.59	94.00
58301	IUD Removal	105.00				110.00	97.00	104.00	105.00
80061	Lipid Panel	23.40		18.72			66.00	36.04	25.00
80100	Urine Drug Screen	25.40		20.32	53.00			32.91	26.00
81002	UA (w/o micro nonautomated)	10.00	8.10	3.57	18.00	8.00	7.50	9.19	10.00
81025	Urine Pregnancy Test	15.00/flat fee	48.50	8.84	26.00	18.00	9.00	20.89	15.00/ss
81025 (FP)	Urine Pregnancy Test	15.00/flat fee	19.44	8.84	26.00	18.00	9.00	15.98	15.00/ss
82270	Fecal Occult Stool	10.00		4.54			7.00	7.18	10.00
82465	Cholesterol, Total								
82948	Glucose (FSBS)	10.00	20.85	5.48		12.00	7.00	11.07	10.00
83020 (90)	Hemoglobin Electrophoresis	n/c		17.56				17.56	n/c
83020 (90)	Sickle Cell – Filter	n/c							n/c
83655 (90)	Lead Level	n/c		16.91				16.91	n/c
83718	Cholesterol, HDL								
84478	Triglycerides								
85018	Hemoglobin	10.00	12.51	3.31	18.00	8.00	7.00	9.80	10.00
86382 (90)	Rabies Titer	29.52		23.62				26.57	30.00
86580 (52)	TST / PPD (state)	n/c							n/c

86592 (90)	Syphilis (RPR)	n/c		5.96	37.00	13.00	10.00	14.68	n/c
86689 (90)	HTLV/HIV Confirmatory Test	n/c		27.05				27.05	n/c
86701 (90)	HIV Test	n/c							n/c
86706 (90)	Hepatitis Titer	n/c							n/c
86762 (90)	Rubella Titer	n/c							n/c
86850 (90)	Antibody Screen	n/c							n/c
87070 (90)	GC Culture >24 yo, B strep	n/c					17.00	17.00	n/c
87081 (90)	Culture Screen Only	n/c		8.06			17.00	12.53	n/c
87116 (90)	Mycobacteria Culture	n/c		15.10				15.10	n/c
87205	Gram Stain Urethral (m)								
87210	Wet Mount Smear, Saline/Ink	13.00	31.52	5.33	28.00	12.00	12.00	16.98	15.00
87210 FP	Wet Mount Smear, Saline/Ink	13.00	12.96	5.33	28.00	12.00	12.00	13.88	15.00
87252 (90)	Herpes Culture	n/c							n/c
87320 (90)	Clamidia Antigen EIA	n/c		16.01	40.00			25.34	n/c
87490 (90)	Gen Probe	n/c							n/c
88142 (90)	PAP (Thin Prep)	n/c		28.31	50.00	10.69	10.60	22.46	n/c
88142 (90)	PAP processing fee	none		12.33					14.00 ss

90 = samples taken at PCHD that are sent to the SLPH for processing; clients are not charged for the service ss = sliding scale fee

**PAMLICO COUNTY HEALTH DEPARTMENT
FEE SCHEDULE COMPARISON STUDY**

CPT CODE	DESCRIPTION	CURRENT HSIS FEE	MEDICAID COST STUDY	MEDICAID RATE	PAMLICO MEDICAL CENTER	BCHD FEES	CCHD FEES	AVERAGE FEE	PROPOSED PCHD FEE
90471	Immunization Fee 1 Unit	20.00	40.65	17.25		17.00	17.00	22.38	20.00 **
90471 EP	Immunization Fee/CH 1 Unit	20.00	108.94	17.25		28.00		43.54	20.00 **
90472	Immunization Fee > 1 Unit	20.00					20.00	20.00	20.00 **
90472 EP	Immunization Fee/CH > 1 Unit	20.00						20.00	20.00 **
90632	Hep A 18 yrs >								
90633	Hep A 2 -17 yrs	n/c					23.00	23.00	n/c
90636	Hep A/B Adult (state) *	n/c							n/c
90645	HIB	n/c							n/c
90649	Gardasil (HPV) *	no fee was set							N/A
90657	Influenza 6 - 35 mo								
90658	Influenza 3 yrs >	15.00	21.27		33.00	13.00	12.00	18.85	15.00 ***
90675	Rabies IM Pre / Post	161.25/shot				165.00	178.96	168.40	165.00/shot

90680	Rotavirus (RSV) oral	n/c							n/c
90698	Pentacel	n/c							n/c
90700	DtaP	n/c							n/c
90702	DT	n/c							n/c
90707	MMR	n/c							n/c
90713	IPV	n/c							n/c
90715	Tdap	n/c			26.00				n/c
90716	Varicella	n/c							n/c
90718	TD >7 yrs	n/c			26.00				n/c
90732	Pneumonia PCV 7	n/c							n/c
90732	Pneumonia Pneu 23	35.00	26.08		49.00	18.00	27.00	31.02	40.00 ***
90734	Meningococcal *	no fee was set							95.00 ***
90744	HBV Peds	n/c							n/c
90746	HBV (Hep B) > 19 yrs	60.00 flat fee/ shot				67.00	57.00	61.33	50.00 / shot ***

* State supplied vaccine – client must meet state criteria to receive vaccine at no charge No fee was set for private doses of Menactra and Gardisil

** Immunization administration fee charged to third party payers only

*** Total fee – includes fee for vaccine and administration fee

N/A = not applicable = not cost effective to carry private stock of Gardisil r/t cost and low demand

**PAMLICO COUNTY HEALTH DEPARTMENT
FEE SCHEDULE COMPARISON STUDY**

CPT CODE	DESCRIPTION	CURRENT HSIS FEE	MEDICAID COST STUDY	MEDICAID RATE	PAMLICO MEDICAL CENTER	BCHD FEES	CCHD FEES	AVERAGE FEE	PROPOSED PCHD FEE
99201	Office Level 1 / New	73.00	81.02		55.00	72.00	62.10	68.62	73.00
99202	Office Level 2 / New	105.00			84.00	107.00	93.15	97.28	105.00
99203	Office Level 3 / New	140.00			115.00	152.00	132.48	134.87	140.00
99204	Office Level 4 / New	210.00	304.41		175.00	224.00	194.58	257.21	210.00
99205	Office Level 5 / New	262.00		244.26	205.00	281.00	244.26	247.30	262.00
99211	Office Level 1 / Est	43.00	117.55	34.16	30.00	40.00	34.16	49.81	45.00
99211	Office Level 1 / Est FP	43.00	47.13					45.06	45.00
99212	Office Level 2 / Est	70.00			55.00	66.00	56.93	61.98	70.00
99212	Office Level 2 / Est FP	70.00	85.07	56.93	55.00	60.00	78.66	67.61	70.00
99213	Office Level 3 / Est	95.00		78.66	75.00	91.00		84.92	95.00
99213	Office Level 3 / Est FP	95.00	116.59			91.00		100.86	95.00
99214	Office Level 4 / Est	140.00				141.00	122.13	134.38	140.00
99214	Office Level 4 / Est FP	140.00	183.13	122.13	110.00	141.00	122.13	136.40	140.00
99215	Office Level 5 / Est	200.00	311.27		145.00	210.00	182.16	209.69	200.00
99215	Office Level 5 / Est FP	200.00						200.00	200.00
99381	PE Birth -1 yr / New								
99382	PE 1 - 4 yr / New								

99383	PE 5 - 11 yr / New								
99384	PE 12 - 17 yr / New	180.00				195.00		187.50	180.00
99384 FP	PE 12 - 17 yr / New	180.00	263.69	169.00		195.00	169.00	195.34	180.00
99385	PE 18 - 39 yr / New	180.00		167.00		192.00	167.00	176.50	180.00
99385 FP	PE 18 - 39 yr / New	180.00	263.69	167.00		192.00		200.67	180.00
99386	PE 40 – 64 yr / New	215.00		199.00		229.00	199.00	210.50	215.00
99386 FP	PE 40 – 64 yr / New	199.00	311.27			229.00	182.16	230.36	199.00
99387	PE 64 + yr / New	235.00				247.00	215.00	232.33	235.00
99391	PE Birth -1 yr / Est								
99392	PE 1 - 4 yr / Est								
99393	PE 5 - 11 yr / Est								
99394	PE 12 - 17 yr / Est	165.00				168.00	146.00	159.67	165.00
99394 FP	PE 12 - 17 yr / Est	165.00	214.13	146.00		168.00	146.00	167.83	165.00
99395	PE 18 - 39 yr / Est	160.00		142.00		163.00		155.00	160.00
99395 FP	PE 18 - 39 yr / Est	160.00	216.56	142.00		163.00	142.00	164.71	160.00
99396	PE 40 – 64 yr / Est	170.00		158.00		182.00	158.00	167.00	170.00
99396 FP	PE 40 – 64 yr / Est	170.00	239.38	158.00		182.00	158.00	181.48	170.00
99397	PE 64 + yr / Est	185.00				201.00	175.00	187.00	185.00

92551	Hearing Screen (audiometer)	20.00	47.45			16.00	9.77	23.31	20.00
92587	Hearing Screen (OAE)	20.00						20.00	20.00
96110 EP	Developmental Screen/Limited	12.67	51.02	10.13			11.00	21.21	20.00
97802	Initial Nutrition Assessment	20.00	86.84	24.72			10.00	35.39	25.00
97803	Follow-Up Nutrition Assmt	20.00				76.00	10.00	35.33	20.00
99173	Vision Screen	0.00	54.29				21.00	37.65	20.00
99501	PP HV Assessment	60.00	684.91	60.00		60.00	65.00	185.98	60.00
99502	NB HV Assessment	60.00	581.16	60.00		65.00	65.00	166.23	60.00
82120	Amine (whiff) test			5.25					6.00

The Board then turned their attention to the Correspondence Agenda.

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

BE IT RESOLVED, a public hearing is hereby set for March 2, 2009 for comment on changing the name of Marvin Field Road to Log Cabin Road.

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

**RESOLUTION
OPPOSING RATE INCREASE
REQUESTED BY INSURANCE COMPANIES**

WHEREAS, Pamlico County, as well as other counties in coastal North Carolina, is experiencing the hard economic times that are now gripping our nation; and

WHEREAS, unemployment rates are the highest they have been in years and many of the residents of Pamlico County and other coastal North Carolina counties are having difficulties making ends meet and maintaining the basic necessities of life; and

WHEREAS, insurance coverage is required in order to purchase a home or business and is vital to the recovery of our home construction industry and our economy; and

WHEREAS, any increase in the cost of insurance makes it more difficult for middle and low income families to purchase homes, start businesses and participate in and fuel our economic recovery; and

WHEREAS, historically, Pamlico County has been a “low claims” area and any insurance rate increase to Pamlico County residents will amount to a subsidy for other higher risk areas; and

WHEREAS, given these difficult economic times and the severe negative impact an increase in the cost of insurance will have on our citizens and our economic recovery, and given the low claims history of Pamlico County, the insurance industry’s request for a rate increase should be denied.

NOW, THEREFORE, BE IT RESOLVED, that the Pamlico County Board of Commissioners oppose the rate increase requested by the insurance industry for its customers in Pamlico County and request that the North Carolina Insurance Commission deny the insurance industry's request.

ADOPTED, this the 16th day of February, 2009.

s/s Paul Delamar
Chairman

s/s Kathy P. Cayton
Clerk to the Board

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

BE IT RESOLVED, the request from County Planner Jayne Robb to apply for a Talent Enhancement Demonstration Grant to learn how to write and administer CDBG Grants is hereby approved.

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

BE IT RESOLVED, the request to authorize Mr. Donnie Rooks, IT Personnel to establish a County email server at a cost not to exceed \$8,500 is hereby approved. Funds are to come from Special Projects Fund.

County Manager Tim Buck informed Board Members that Recycling Supervisor Jesse Bloomberg informed him that due to the economy we are being billed for recyclables at EVCV at the cost of \$55 per ton. The County in the past has been paid per ton for recyclables. For the budget year the County budgeted \$30,000 in revenue from the sale of recyclables, to date only \$6,300 has been received. Revenues are anticipated to be \$23,700 short of budget and costs are expected to increase by \$13,700 this year. Total impact on the current year's budget is a negative of \$37,400. County Manager Buck proposed the following changes:

- Freeze hiring the open position for Recycling
- Reduce the number of recycling sites from 13 to 6
- Keep bins at the sites for seven days and only pick up as needed.

Proposed the following locations for recycling bins:

- Arapahoe Gary's Restaurant
- Bayboro Behind Manager's Office
- Grantsboro Moose Lodge
- Oriental Ball Park
- Reelsboro 5656 Hwy 55
- Vandemere Credle's Station

The bins will remain at the locations for seven days and will be emptied on an as needed basis. The bins will also be set up as comingled bins to accept glass, plastic, cans, cardboard and mixed paper. Although the number of bins will be reduced, he felt putting the bins along roadways commonly traveled by most citizens and leaving the bins in place at all times still allows citizens convenient opportunities to recycle. Advertising and maintenance of the sites will also be easier. The proposed changes will save approximately \$40,000 per year by reducing the salary line item and reducing mileage, thus decreasing fuel costs.

On a motion made by Commissioner Christine Mele and seconded by Commissioner Kenny Heath, the following resolution was passed by majority vote. Commissioner Paul Delamar cast a dissenting vote.

BE IT RESOLVED, that to minimize the budgetary impact the following changes to the Recycling Program are hereby approved.

- **Freeze hiring the open position for Recycling**
- **Reduce the number of recycling sites from 13 to 6**
- **Keep bins at the sites for seven days and only pick up as needed.**

The following locations for recycling bins are as follows:

- **Arapahoe Gary's Restaurant**
- **Bayboro Behind Manager's Office**
- **Grantsboro Moose Lodge**
- **Oriental Ball Park**
- **Reelsboro 5656 Hwy 55**
- **Vandemere Credle's Station**

County Manager Tim Buck reviewed the Pamlico County Water Department Timesheets with Board Members. He reviewed the current method in which pay is calculated and he pointed out that we currently have to project one week of pay. He went further to state that one way to reduce the problems is to hold back one weeks pay. Board Members requested the County Manager bring options back to them to improve the payroll process. A comparison was given to the

Board of Water Department salary and overtime of current year versus fiscal year 2007-2008. The Water Department salary line item is approximately \$13,000 under last years total for the same time period and the overtime is approximately \$12,000 over last years total for same period.

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

BE IT RESOLVED, the due to the Shareheart litigation being settled the following closed session minutes are hereby unsealed.

**(UNSEALED)
CLOSED SESSION OF THE PAMLICO COUNTY BOARD OF
COMMISSIONERS
MONDAY NOVEMBER 20, 2006**

The Pamlico County Board of Commissioners met in closed session on Monday November 20, 2006 in accordance with G. S. 143. 318.11(a)3 client attorney privilege. All Commissioners were present. Also present were County Attorney Jim Hicks, County Manager Tim Buck, Building Inspector Skip Lee and Clerk to the Board Kathy P. Cayton.

County Attorney Jim Hicks informed Board Members that Representatives from Shareheart L.L.C., County Attorney Jim Hicks, Planning Board Attorney Arey Grady, selected Planning Board Members, Chairman Ann Holton and County Manager Tim Buck had met but, no solutions was drawn.

No action was taken in closed session.

**(UNSEALED)
CLOSED SESSION OF THE PAMLICO COUNTY BOARD OF
COMMISSIONERS
MONDAY DECEMBER 4, 2006**

The Pamlico County Board of Commissioners met in closed session on Monday December 4, 2006 in accordance with G. S. 143. 318.11(a)3 client attorney privilege. All Commissioners were present. Also present were County Attorney Jim Hicks, County Manager Tim Buck, Building Inspector Skip Lee and Clerk to the Board Kathy P. Cayton.

County Attorney Jim Hicks informed Board Members that Representatives from Shareheart L.L.C., County Attorney Jim Hicks, Planning Board Attorney Arey Grady, selected Planning Board Members, Chairman Ann Holton and County Manager Tim Buck had met but, no solutions were drawn.

No action was taken in closed session.

(UNSEALED)
CLOSED SESSION OF THE PAMLICO COUNTY BOARD OF
COMMISSIONERS
TUESDAY JANUARY 16, 2007

The Pamlico County Board of Commissioners met in closed session in accordance with G.S. 143,318.11(a) 3 and (a) 6 to discuss the legal case of Shareheart -vs- Pamlico County and conduct the County Manager's evaluation. All Commissioners were present. Also present were County Manager Tim Buck and Clerk to the Board Kathy P. Cayton.

County Attorney Jim Hicks gave the Board an update on the status of the lawsuit, and proposed settlement offer from Shareheart. After discussing the merits of the lawsuit and the proposed settlement offer, the following motion was made.

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

BE IT RESOLVED, that the Board agree to amend the Group Housing Ordinance to allow for phased developments through a master plan/vested site plan format, and that the amendment was to be of general applicability, not limited to Shareheart only.

THE BOARD FURTHER AGREED BY CONSENSUS, that this would be the only terms of settlement, and would not agree to any other condition requested by Shareheart.

(UNSEALED)
CLOSED SESSION OF THE PAMLICO COUNTY BOARD OF
COMMISSIONERS
MONDAY FEBRUARY 5, 2007

The Pamlico County Board of Commissioners met in closed session in accordance with G.S 143.318.119(a) 3 Client Attorney Privilege to discuss Shareheart LLC – vs- Pamlico County and 143.318.11(6) for Personnel Issues. All Commissioners were present. Also present were Attorney Arey Grady, County Manager Tim Buck and Clerk to the Board Kathy P. Cayton.

Attorney Arey Grady gave the Board an update on the Shareheart litigation. The prior offer shall remain to include phasing condition.

(UNSEALED)
CLOSED SESSION MINUTES OF THE PAMLICO COUNTY BOARD OF
COMMISSIONERS
MARCH 12, 2007

The Pamlico County Board of Commissioners met in closed session at the offices of Sumrell, Sugg, Carmichael, Hicks and Hart in accordance with G.S. 143.318.11(a) 3 client attorney privilege for a conference call with Attorney Doug Hannah to discuss the Shareheart case. All Commissioners were present. Also present were County Manager Tim Buck, County Attorney Jim Hicks and Clerk to the Board Kathy P.Cayton.

Attorney Doug Hannah updated Board Members on the partial judgment given to the Plaintiff, Michelle Peele, Shareheart, Inc. He discussed filing a notice of appeal and the ability to settle if Ms. Peele agreed in writing to pave roads. Mr. Hannah stated that in his opinion it was the County's duty to move forward to enforce the ordinance as it was intended.

(UNSEALED)
CLOSED SESSION OF THE
PAMLICO COUNTY BOARD OF COMMISSIONERS
MONDAY, MARCH 19, 2007

The Pamlico County Board of Commissioners met in closed session in accordance with G.S. Section 143-318.11(a)(3) to discuss the lawsuit entitled "Shareheart Development Corp vs. Pamlico County," and to consult with the County Attorney regarding the same. All Commissioners, except Commissioner Doug Brinson, were present. Also present were County Manager Tim Buck, County Attorneys Jimmie B. Hicks, Jr. and B. Kyle Dickerson, and Deputy Clerk to the Board Anita Owens.

County Attorney Hicks gave the Board an update on the status of the lawsuit, the possibility of filing of an appeal from Judge Nobles' Order, and the possibility of settlement. County Attorney Hicks informed the board that Attorney Doug Hanna recommended filing an immediate appeal, but that there was a possibility that the Court of Appeals might consider a notice of appeal at this time as premature.

The following motion was made by Commissioner Roy Brinson and seconded by Commissioner Paul Delamar, and approved by a vote of 5 to 1 (Commissioner Carl Ollison dissented):

That the County's legal counsel, Doug Hanna, file a notice of appeal from the recent Order of Judge Nobles, but not to file the same until such time as the attorneys for the parties can explore potential settlement; and that further the County offer to settle all matters with Shareheart

Development Corp. by: (1) Shareheart agreeing to pave the access road and either a loop or cul-de-sac in the development, all in accordance with DOT standards; (2) that Shareheart not have to comply with any other provision of the County's Group Housing Projects Ordinance; and (3) that all other matters between the parties be dismissed with prejudice.

**(UNSEALED)
CLOSED SESSION OF THE PAMLICO COUNTY BOARD OF
COMMISSIONERS
MONDAY MAY 21, 2007**

The Pamlico County Board of Commissioners met in closed session on Monday May 21, 2007 at 7:00 p.m. in the Patsy H. Sadler Room of the Pamlico County Courthouse. All Commissioners were present. Also present were County Attorney Jim Hicks, County Manager Tim Buck and Clerk to the Board Kathy P. Cayton.

County Attorney Jim Hicks discussed with Board Members Environmental Health and Shareheart. The State has taken jurisdiction and has forbidden any more progress and conversation with Environmental Health regarding Cribbs Cove.

County Attorney Jim Hicks said that the Board should consider amending the Group Housing Ordinance according to definition.

**(UNSEALED)
CLOSED SESSION OF THE PAMLICO COUNTY BOARD OF
COMMISSIONERS
MONDAY JULY 7, 2008**

The Pamlico County Board of Commissioners met in closed session on Monday July 7, 2008 in accordance with G. S. 143.318. 11(a) 3 client attorney privilege to discuss the Shareheart litigation and (a) 6 to discuss a personnel issue. All Commissioners were present as were Attorney Kyle Dickerson, County Manager Tim Buck and Clerk to the Board Kathy P. Cayton.

Attorney Kyle Dickerson said that a meeting will be held with David Parker who is with Pamlico County Insurance Pool to discuss Shareheart's proposed settlement.

Board Members discussed the Waiver of Conflict of Interest regarding the representation of Pamlico County and the Pamlico County Health Department by Womble & Carlyle.

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

BE IT RESOLVED, that the request for the Chairman's signature on a conflict waiver regarding the representation by Womble & Carlyle of Pamlico County and the Pamlico County Health Department in the Shareheart litigation is hereby approved.

**(UNSEALED)
CLOSED SESSION OF THE PAMLICO COUNTY BOARD OF
COMMISSIONERS
MONDAY JULY 17, 2007**

The Pamlico County Board of Commissioners met in closed session in accordance with G.S. 143.318.11(a) 3 client attorney privilege to discuss the Shareheart litigation. All Commissioners were present, as were County Attorney Jim Hicks, Planning Board Attorney Arey Grady, Womble & Carlisle Attorney Doug Hannah, County Manager Tim Buck, and Clerk to the Board Kathy P. Cayton.

Attorney Doug Hannah gave the Board a quick timeline of the Shareheart case. He discussed with the Board the offer made by Shareheart to settle the matter. He stated that his position with regard to formal mediation at the appellate level had not changed and he will be sending the form back to the court indicating that we do not consent to mediation.

Board members requested that Mr. Hannah meet with the planning board to give them his opinion and update.

**(UNSEALED)
CLOSED SESSION OF THE PAMLICO COUNTY BOARD OF
COMMISSIONERS
MONDAY MAY 19, 2008**

The Pamlico County Board of Commissioners met in closed session in accordance with G. S. 143. 11(a) 3 to discuss the Shareheart Litigation. All Commissioners were present. Also present were County Attorney Jim Hicks, County Manager Tim Buck and Clerk to the Board Kathy P. Cayton.

County Attorney Jim Hicks discussed issues regarding Shareheart with Board Members;

- Informed Board Members of the addition of Bryan Harris, Environmental Health Supervisor and others to the case
- Informed Board Members of the possibility of an additional Group Housing issue on the far side of Oriental Bridge.

- Informed Board Members that Health Director Howard Ellis has been warned not to communicate with Michelle Peele.

(UNSEALED)
CLOSED SESSION OF THE PAMLICO COUNTY BOARD OF
COMMISSIONERS
MONDAY JULY 16, 2008

The Pamlico County Board of Commissioners met in closed session in accordance with G.S. 143.318.11(a)3 for client attorney privilege to discuss the Shareheart litigation. All Commissioners were present. Also present were County Attorney Jim Hicks, County Manager Tim Buck and Clerk to the Board Kathy P. Cayton.

The Board held a conference call with Ms. Sarah Buthe, Attorney with Womble and Carlisle to discuss a settlement offer from Shareheart for \$100,000.00.

Ms. Buthe also discussed the possible signing by Pamlico County of a Waiver of Conflict of Interest regarding the representation of Pamlico County and the Pamlico County Health Department.

No action was taken in closed session.

(UNSEALED)
CLOSED SESSION MINUTES OF THE PAMLICO COUNTY BOARD OF
COMMISSIONERS
MONDAY AUGUST 4, 2008

The Pamlico County Board of Commissioners met in closed session in accordance with G.S 143.318.11(a) 3 & 6 to discuss the Shareheart litigation and personnel issues. All Commissioners were present with exception to Commissioner Carl Ollison. Also present were Attorney Kyle Dickerson, County Manager Tim Buck and Clerk to the Board Kathy P. Cayton.

Attorney Kyle Dickerson gave the Board a report on the Shareheart Litigation and informed members that our insurance will not pay any money toward a settlement. Board members were reassured that the County still has a strong defense for the case and a successful judgment is anticipated. Board took no action.

(UNSEALED)

**CLOSED SESSION OF THE PAMLICO COUNTY BOARD OF
COMMISSIONERS
MONDAY SEPTEMBER 22, 2008**

The Pamlico County Board of Commissioners met in closed session on Monday September 22, 2008 in accordance with 143.318.11(a) 5 to discuss possible negotiations regarding the Shareheart litigation. All Commissioners were present with exception to Commissioners Jimmy Spain and Christine Mele. Also present were County Manager Tim Buck.

County Manager Tim Buck informed Board Members that a settlement offer of \$100,000 had been made. Board Members did not agree with this offer and directed that we respond back to Mr. David Parker and authorize Sedgwick to offer \$10,000.

**(UNSEALED)
CLOSED SESSION OF THE PAMLICO COUNTY BOARD OF
COMMISSIONERS
MONDAY OCTOBER 6, 2008**

The Pamlico County Board of Commissioners met in closed session in accordance with G. S. 143.318.11(a) 3 & 6. All Commissioners were present. Also present were Attorney Kyle Dickerson, County Manager Tim Buck and Clerk to the Board Kathy P. Cayton.

Attorney Kyle Dickerson informed Board Members that a letter had been written to Shareheart Attorneys making a settlement offer of \$10,000. No response has been received as of yet.

**(UNSEALED)
CLOSED SESSION OF THE PAMLICO COUNTY BOARD OF
COMMISSIONERS
MONDAY DECEMBER 15, 2008**

The Pamlico County Board of Commissioners met in closed session on Monday December 15, 2008 to discuss the lawsuit Shareheart Development Corp. vs. Pamlico County, et al. All Commissioners were present. Also present were County Attorney Jim Hicks, County Manager Tim Buck and Clerk to the Board Kathy P. Cayton.

County Attorney Jim Hicks informed the Board of Commissioners that a final settlement agreement had been reached by the County's insurance carrier, which has the authority to settle on behalf of the County by virtue of its coverage rights. The primary settlement points are:

- Pamlico County's insurance carrier will pay Shareheart the sum of \$10,000 (this will not be County funds)
- Pamlico County agrees the Group Housing Projects Ordinance will not be enforced as to this project
- No party admits liability or fault
- Shareheart will execute and enter a full release as to all defendants.

The County Attorney advised that this was a good settlement. Although the County still believes its position to be correct, the cost of settlement (which is being paid by the insurance carrier and not the County) represents only a small portion of future litigation costs, not to mention the costs of possible legal appeals. Also, the County Attorney reported that except for paving, the project as built actually does meet the standards of the Group Housing Projects Ordinance.

The County Manager will sign the settlement agreement on behalf of the County. The settlement agreement has not as yet been signed by the plaintiff, and therefore until such time, terms of settlement should remain confidential.

The Board set a Water Committee Meeting for 5:00 p.m. on March 2, 2009 and a Building and Grounds Committee Meeting for March 16, 2009 at 5:00 p.m.

On a motion made by Commissioner Kenny Heath and seconded by Commissioner Carl Ollison, the Board went into closed session in accordance with G. S. 143. 318. 11 (a) 3 & 6 client attorney privilege and personnel issues.

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

There being no further business on a motion made by Commissioner Christine Mele and seconded by Commissioner Ann Holton the Board adjourned until Monday March 2, 2009 at 7:00 p.m.

Chairman

Clerk to the Board

