

**REGULAR SESSION OF THE PAMLICO COUNTY BOARD OF  
COMMISSIONERS  
MONDAY AUGUST 17, 2009**

The Pamlico County Board of Commissioners met in regular session on Monday August 17, 2009 at 7:00 p.m. in the Patsy H. Sadler Room of the Pamlico County Courthouse. All Commissioners were present with exception of Commissioner Jimmy Spain. Also present were County Attorney Jim Hicks, County Manager Tim Buck and Clerk to the Board Kathy P. Cayton.

Chairman Paul Delamar called the meeting to order.

Chairman Paul Delamar called for corrections, additions and/or deletions to the regular and closed session minutes of the August 3, 2009 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 August 3, 2009 meeting are hereby approved and the Chairman's signature is authorized thereon.**

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

Chairman Paul Delamar declared the public hearing to change the Road Naming Fee in the Road Naming and Addressing Ordinance open. There were no members of the public to speak. Chairman Paul Delamar called the public hearing closed. On a motion made by Commissioner Kenny Heath and seconded by Commissioner Ann Holton, the following resolution was unanimously approved.

**BE IT RESOLVED, the request to change the Road Renaming Fee in the Pamlico County Road Naming and Addressing Ordinance from \$25.00 to \$60.00 is hereby approved.**

Chairman Paul Delamar asked if there were any members of the public to speak, Mr. Fred Fisher asked to speak. Mr. Fisher thanked the Board for all their work regarding the removal of Bridge #18. He said that in thirty-nine (39) years only \$16,139.00 had been spent on the upkeep of the bridge by the Department of Transportation which is approximately \$176.00 per year. He will still be working diligently working to have the bridge replaced.

The Board then turned their attention to the consent agenda. Two items were pulled from the consent agenda.

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

**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.

<b>(R)= REVENUES (E)=EXPENDITURES</b>		<b>FISCAL YEAR 2009-2010</b>	
<b>ACCOUNT NUMBER</b>	<b>ACCOUNT DESCRIPTION</b>	<b>AMOUNT (+) INCREASED</b>	<b>AMOUNT (-) DECREASED</b>
10 0213 435832	DJJP – Intervention & Delinquency		3,975.00
10 5835 500000	Intervention & Delinquency		3,975.00
10 4312 519000	Family Counseling		12,224.00
10 0000 439900	General Fund – Fund Balance Approp		12,224.00

*Reason for Budget Revision:* decrease Stillwaters appropriation, final allocation from State less than previous and adjust Family Counseling to revised revenue from State.

<b>ACCOUNT NUMBER</b>	<b>ACCOUNT DESCRIPTION</b>	<b>AMOUNT (+) INCREASED</b>	<b>AMOUNT (-) DECREASED</b>
10 0211 435161	WIC Client	4,882.00	
10 0211 435162	WIC Nutrition	426.00	
10 0211 435166	WIC Breastfeeding	108.00	
10 0211 435168	WIC Administration	713.00	
10 5167 512100	WIC – Salary & Wages	4,282.00	
10 5167 529000	WIC – Dept Supplies	100.00	
10 5167 531000	WIC – Travel	200.00	
10 5167 537000	WIC – Advertising	300.00	
10 5168 512102	WIC – Salary & Wages	226.00	
10 5168 529000	WIC – Dept Supplies	100.00	
10 5168 532000	WIC – Telephone	100.00	
10 5169 529000	WIC – Dept Supplies	108.00	
10 5171 512102	WIC – Salary & Wages	713.00	

*Reason for Budget Revision:* increase WIC program, final allocation from State more than expected

(R)= REVENUES (E)=EXPENDITURES

FISCAL YEAR 2009-2010

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT (-) DECREASED
10 0211 435120	TB Medical	90.00	
10 5124 529000	TB Medical – departmental supplies	90.00	

*Reason for Budget Revision:* ; net of increase TB Medical and decrease TB Control programs, final allocation from State more than expected

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 2009-2010

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT (-) DECREASED
10 0211 435515	BIOTERROISM	5743.65	
10 5111 512100	BIOTERROISM – salaries & wages	2443.65	
10 5111 529000	BIOTERROISM – departmental supplies	300.00	
10 5111 533000	BIOTERROISM – electrical	3000.00	

*Reason for Budget Revision:* ; carry forward of Bioterrorism allocation remaining from FY09

**BE IT RESOLVED, the request to change the Monday September 7, 2009 meeting to Tuesday September 8, 2009 due to the Labor Day Holiday.**

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

**BE IT RESOLVED, the new Environmental Health Well Sampling Fee has been increased from \$50.00 to \$100.00.**

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

**BE IT RESOLVED, the following Health Department Clinic Fees are hereby approved.**

## PAMLICO COUNTY HEALTH DEPARTMENT FEE SCHEDULE

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
J1055 FP	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
LU 018	Copy Medical Records	12.00 flat fee					10.00	11.00	12.00 flat fee
LU 021	Form Completion	5.00 flat fee						5.00	5.00 flat fee
LU 101	HIV Post Counseling	n/c							n/c
LU 102	TB Screening Form	10.00 flat fee						10.00	10.00 flat fee
LU 103	PPD Reading / Positive	n/c							n/c
LU 104	PPD Reading / Negative	n/c							n/c
LU 114	PPD/TST: private pay	15.00 flat fee	54.67	7.14	12.00	16.00	10.00	19.14	15.00 flat fee
LU 201	Repeat PAP	n/c							n/c
LU 230	BP Screen (V81.1)	n/c	38.60			2.00	5.00	15.20	2.00 flat fee
LU 230	BP Check (w/hx) (401.9)	n/c	38.60			2.00	5.00	15.20	2.00 flat fee
LU 232	Counsel Lab Results	n/c							n/c
LU 233	Condom Supply	n/c							n/c
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
57061	Condylomata Treatment	129.26		95.90	125.00	80.00 CC		107.54	105.00
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
82120	Amine Test (Whiff)			5.25					6.00
82270	Fecal Occult Stool	10.00		4.54			7.00	7.18	10.00
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
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	TST / PPD (Private Pay)	15.00							15.00
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	HIV Test	n/c							n/c
86706 (90)	Hepatitis Titer	n/c							n/c
86762 (90)	Rubella Titer	n/c							n/c

87070 (90)	GC Culture >24 yo, B strep	n/c					17.00	17.00	n/c
87116 (90)	Mycobacteria Culture	n/c	15.10					15.10	n/c
87205	Gram Stain Urethral (m)								
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
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
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
90473	Immunization Fee/Oral/Nasal			7.94		10.00	7.94	8.62	8.00
90474	Immunization Fee/Oral/Nasal			7.94		10.00	7.94	8.62	8.00
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	240.00/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
90710	MMRV	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 EP	Pneumonia PCV 7	n/c							n/c
90732	Pneumonia Pneu 23	35.00	26.08		49.00	18.00	27.00	31.02	57.00
90734	Meningococcal (State Supply)	n/c							n/c
90734	Meningococcal * (Private Pay)	no fee was set							95.00
90744 EP	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
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 FP	Office Level 1 / Est	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 FP	Office Level 2 / Est	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 FP	Office Level 3 / Est	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 FP	Office Level 4 / Est	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 FP	Office Level 5 / Est	200.00						200.00	200.00
99381	PE Birth -1 yr / New	112.50		90.00	105.00	110.00*	90.00	101.50	102.00
99382	PE 1 - 4 yr / New	120.00				113.00*	90.00	106.80	107.00
99383	PE 5 - 11 yr / New	165.00				125.00*	154.00	131.00	131.00
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	215.00	311.27			229.00	182.16	230.36	215.00
99387	PE 64 + yr / New	235.00				247.00 Pam.Peds*	215.00	232.33	235.00
99391	PE Birth -1 yr / Est	112.50		90.00	105.00	85.00*	90.00	96.50	97.00
99392	PE 1 - 4 yr / Est	112.50		90.00	121.00	95.00*	90.00	101.70	102.00
99393	PE 5 - 11 yr / Est	145.00		90.00	121.00	108.00*	126.00	118.00	118.00
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
<b>CPT CODE</b>	<b>DESCRIPTION</b>	<b>CURRENT HSIS FEE</b>	<b>MEDICAID COST STUDY</b>	<b>MEDICAID RATE</b>	<b>PAMLICO MEDICAL CENTER</b>	<b>BCHD FEES</b>	<b>CCHD FEES</b>	<b>AVERAGE FEE</b>	<b>PROPOSED PCHD FEE</b>
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
10060	Incision/Drain (Boil) I&D	106.47	(Nova)155.00	88.07	192.00	(CartCo)92.50	85.15	119.87	90.00
10080	Pilonidal Cyst (near tailbone)		(Nova)161.00	130.00				145.50	136.00
10120	Removal of Superficial Foreign Body (glass, wood)		(Nova)125.00	107.50				116.25	116.00
11740	Evac. Subungual Hematoma		(Nova)52.00	36.05	95.00	(CartCo)36.00	58.00	55.41	56.00
20612	Ganglion Cyst Aspiration			48.34	66.00			57.17	50.00
56420	Gland Abscess (Bartholin's)	161.66	(Nova)65.00	157.04	162.00			161.43	160.00
69210	Removal of Impacted Earwax								30.00
94644	Nebulizer Treatment		(Nova)65.00	11.53	42.00	(CartCo)30.00	39.00	37.51	39.00
D0145	Oral Evaluation			38.07			40.00	39.04	40.00
D1206	Topical Fluoride (Sealant)			16.80			19.00	17.90	19.00

The Board then turned their attention to the Correspondence Agenda.

On a motion made by Commissioner Ann Holton and seconded by Commissioner Roy Brinson, the following ordinance amendment was passed by majority vote with Commissioner Christine Mele casting a dissenting vote. This was the second sitting.

**PAMLICO COUNTY  
VOLUNTARY AGRICULTURAL DISTRICT &  
ENHANCED VOLUNTARY AGRICULTURAL DISTRICT ORDINANCE**

**ARTICLE I  
TITLE**

This program, adopted by the Board of Commissioners of Pamlico County, North Carolina, shall be known as the **Pamlico County Voluntary Agricultural District & Enhanced Voluntary District Ordinance**.

**ARTICLE II  
AUTHORITY**

The articles and sections of this program ordinance are adopted pursuant to the authority conferred by N.C. General Statutes Sections 106-735 through 106-744 and Chapter 153A.

**ARTICLE III  
PURPOSE**

The purpose of this program ordinance is to promote the general welfare of the county and more specifically, increase identity and pride in the agricultural community and its way of life; encourage the economic and financial health of agriculture, horticulture and forestry; create awareness of agricultural area within the county; inform non-farming neighbors and potential land purchasers of the presence of agricultural activities; provide the agricultural community an opportunity to provide input to the Pamlico County Commissioners in their decisions that may affect agriculture; and, increase protection from non-farm development and other negative impacts on properly managed farms.

**ARTICLE IV**

## **DEFINITIONS**

Advisory Board: The Pamlico County Voluntary Agricultural District Advisory Board.

Board of Commissioners: The Board of Commissioners of Pamlico County, North Carolina.

Chairperson: Chairman of the Pamlico County Voluntary Agricultural District Advisory Board

District: A Voluntary Agricultural District & Enhanced Voluntary District established under the terms and conditions of this program by the Board of Commissioners.

Enhanced District: Enhanced Voluntary Agricultural District as established by this ordinance.

## **ARTICLE V AGRICULTURE ADVISORY BOARD**

### **A. Creation**

The Board of Commissioners shall establish an Advisory Board to implement the provisions of this program.

### **B. Appointments and Memberships**

The Advisory Board shall consist of five members appointed by the Board of Commissioners, with an effort to have the broadest geographic representation and commodity interest as possible and feasible.

### **C. Membership Requirements**

1. Each board member shall be a Pamlico County resident or land owner.
2. Four of five members shall be actively engaged in farming.
3. The four members actively engaged in farming shall be selected for appointment by the Board of Commissioners from the names of individuals submitted to the Board of Commissioners by the Pamlico Soil and Water Conservation District, the North Carolina Cooperative Extension Service, The Farm Service Agency and the Pamlico County Farm Bureau with an effort to have the broadest geographical and commodity representation possible. The fifth

member shall have special interest, experience, or education in agriculture and/or rural land preservation.

4. To the extent possible, members of the Advisory Board shall consist of one (1) member from each of the townships in Pamlico County. If an individual cannot be located from a specific township, one may be chosen at large.
5. In the event the Board of Commissioners increases the number of Districts, the Advisory Board may be augmented so there will be a representative for each District. If a particular District is eliminated, the term of its representative to the Advisory Board may be terminated by the Commissioners.
6. Additional members may be appointed to the Board in an *ex officio* capacity from the North Carolina Cooperative Extension Pamlico Center and/or the Pamlico Soil and Water Conservation District. Members serving in an *ex officio* capacity shall neither vote nor count toward quorum requirements.

D. Tenure

The initial Advisory Board is to consist of one (1) appointee for a term of one (1) year, two (2) appointees for a term of two (2) years and two (2) appointees for a term of three (3) years. Initial terms will not begin until July 1 of the year appointed. Thereafter all appointees will serve for a term of three (3) years. Members shall be eligible for reappointment for subsequent terms not to exceed three consecutive terms. After three consecutive terms a member must remain off of the Advisory Board for at least one calendar year before being eligible for reappointment. The terms for the appointment of the initial Advisory Board will be determined by lottery.

E. Vacancies

Any vacancy on the Advisory Board is to be filled by the Board of Commissioners for the remainder of the unexpired term following the same procedure as for the initial appointment. Serving an unexpired term shall not count toward the three terms limit.

F. Removal for Cause

Any member of the Advisory Board may be removed by the Board of Commissioners with or without cause. The Advisory Board may request to the Board of Commissioners that a member be removed for inefficiency, neglect of duty or malfeasance in office. Members missing three (3) consecutive meetings may be considered for removal. Recommendation for removal and replacement

shall be made to the Board of Commissioners only upon the majority vote of the Advisory Board. The member(s) being considered for removal cannot vote.

G. Funding

The Board of Commissioners may appropriate funds for the Agricultural Advisory Board to perform its duties. A budget request will be presented to the Board of Commissioners.

H. Advisory Board Procedure

1. Officers - The officers of the Agricultural Advisory Board shall consist of a Chair, a Vice-Chair, and a Secretary/Treasurer.
2. Election – The Advisory Board shall elect officers each year at its first meeting of the fiscal year following the appointment of new members or reappointment of existing members. Officers shall be eligible for re-election for subsequent terms.
3. Terms – Terms of officers shall be one (1) year or until election of his/her successor.
4. Officer Vacancies – If any office is vacant the members of the Advisory Board shall elect a member to fill the office for the remainder of the term. This election may take place at any regular or special meeting.
5. Removal from office – Any officer may be removed from office by a majority vote of the members present at a meeting provided that at least thirty (30) days notice has been given that removal of an officer will be considered at such meeting.
6. Chair – Roles and Responsibilities
  - a. Preside at all meetings and public hearings of the Advisory Board.
  - b. Decide on all points of order and procedures unless otherwise directed by a majority vote of the board in session at the time.
  - c. Represent the Advisory Board in dealings with the Board of Commissioners or other organizations.
  - d. Sign any documents related to the business of the Advisory Board.
  - e. Create any committee necessary to investigate matters before the Advisory Board.
  - f. Delegate to other members such tasks necessary to perform the duties of the Advisory Board.

- g. See that decisions/duties of the Advisory Board are implemented.
  - h. Chair has the same right as other members to vote on matters or to speak for or against such matters.
7. Vice-Chair – Roles and Responsibilities
- a. Serve as acting Chair in the absence or disability of the Chair. While doing so, shall have same powers and duties as Chair.
  - b. Assist Chair as requested.
8. Secretary/Treasurer – Roles and Responsibilities
- a. Serve as acting Chair in the absence of the Chair and Vice-Chair. While doing so, shall have same powers and duties as Chair.
  - b. Be responsible for making a record of the proceedings of the Advisory Board.
  - c. Serve as custodian of the Board’s minutes and records.
  - d. Prepare the agenda for meetings in consultation with the Chair.
  - e. Provide notices of special meetings.
  - f. Serve as representative for all financial matters of the Advisory Board.
  - g. Receive and inform the members of correspondence or directives concerning the business of the Advisory Board.
  - h. Attest to the signature of the Chair on documents as needed.
  - i. Maintain close communication with the Chair concerning business or issues of the Advisory Board.
9. Determination of Procedure
- The Advisory Board may adopt rules of procedure not inconsistent with this Ordinance or with other provisions of State law.
10. Board Year
- The Advisory Board shall use the County fiscal year, July 1<sup>st</sup> – June 30<sup>th</sup>, as its meeting year.
11. Meetings
- a. Regular Meetings – shall be held at least quarterly. The exact date and time of the meeting will be determined by the Advisory Board and will be posted according to NC Open Meetings Laws.

- b. Special Meetings – may be called at any time by the Chair or the Advisory Board. Notice shall be provided in accordance with NC Open Meeting Laws.
- c. Cancellation of Meetings – The Chair may cancel any regular or special meeting by giving notice to the Advisory Board and the public in accordance with NC Open Meetings Laws.
- d. Quorum – At least three (3) members, including at least one (1) officer, must be present in order to conduct business.
- e. Conflict of Interest – Advisory Board members may not deliberately vote on any issue in which he/she, or a member of their immediate household, has a direct financial interest. These members shall, on motion and vote, be excused from discussing and voting on any such matter.
- f. Voting – All members shall vote on each issue made in the form of a motion, unless they have been excused from that vote. All abstaining from voting and not previously excused from that vote will be counted in favor of the motion. All silent votes will be counted in favor of the motion. The vote of the majority of the members present shall be sufficient to decide matters. The Chair shall be allowed to comment and vote on matters before the Advisory Board.
- g. Administrative – The Advisory Board may contract with the N.C. Cooperative Extension office to serve the Advisory Board for record keeping, correspondence, application procedures under this Ordinance, and whatever services the Board needs to complete its duties.

I. Duties

Powers and duties of the Advisory Board shall be those authorized and required by NC General Statute Chapter 106, Article 61, the Pamlico County Voluntary Agricultural District Ordinance and the Pamlico County Board of Commissioners. Duties shall include but are not limited to:

- 1. Review and approve or disapprove applications of landowners for enrollment of qualified farmland, horticultural land, or forestland in Voluntary Agricultural Districts or Enhanced Voluntary Agricultural Districts;

2. Make recommendations concerning the establishment and modification of agricultural districts;
3. Hold public hearings pursuant to Article XII of this Ordinance.
4. Advise the Board of Commissioners on projects, programs, or issues affecting the agricultural economy, horticultural or forestry activities within the county that will affect agricultural districts.
5. Review and make recommendations concerning proposed amendments to this ordinance.
6. Develop a draft countywide farmland protection plan as defined in N.C.G.S. 106-744 for presentation to the Board of Commissioners;
7. Study additional methods of protection for farming, horticulture, forestry and the attendant land base and make recommendations to the Board of Commissioners;
8. Perform other agriculture, horticultural, and forestry–related tasks or duties assigned by the Board of Commissioners.

**ARTICLE VI  
CREATION OF VOLUNTARY AGRICULTURAL DISTRICTS  
AND ENHANCED VOLUNTARY AGRICULTURAL DISTRICTS**

A. Regions

Pamlico County is hereby divided into five (5) regions as defined below:

1. Township 1
2. Township 2
3. Township 3
4. Township 4
5. Township 5

B. Implementation

In order to implement the purposes stated in Article III, this program provides for the creation of a Voluntary Agricultural District & Enhanced Voluntary District, which will meet the following standards:

1. The minimum acreage for enrollment in a District or an Enhanced District shall be the minimum acreage required by N.C.G.S. Section 105-277.3 for participation in the present-use value program.
2. The District or Enhanced District shall contain one (1) or more qualified farms within area designated by the Advisory Board.

All land enrolled in a region (township), defined in section A, above, shall be part of a single District. If a single farm has acreage in two or more regions, the farm shall participate in the District where the largest acreage is found. All land in a region as defined in section A, above, shall be treated as a single District.

C. Education

The Board of Commissioners may take such action as it deems appropriate through the Advisory Board or other entities or individuals to encourage the formation of the Districts and to further their purposes and objectives, including the implementation of a public information program to reasonably inform landowners of the farmland preservation program.

D. Addition and Withdrawal

1. Qualifying farmland in a region with an existing District shall be added to the District as herein provided.
2. In the event that one or more participants in the District or Enhanced District withdraw and the acreage in the District or Enhanced District becomes less than the minimum acreage required or results in the remaining land being noncontiguous, a Voluntary Agricultural District will continue to exist so long as there is one qualifying farm.

**ARTICLE VII  
CERTIFICATION AND QUALIFICATION OF FARMLAND**

A. Requirements

To secure county certification as qualifying farmland in either a Voluntary Agricultural District or Enhanced Voluntary Agricultural District, a farm must:

1. Be participating in the farm present-use-value taxation program established by G.S. 105-277.2 through 105-277.7, or is otherwise determined by the county to meet all the qualification of this program set forth in G. S. 105-277.3;
2. Be managed, if highly erodible land exists on the farm, in accordance with the Natural Resources Conservation Service defined erosion control practices that are addressed to said highly erodible land;
3. Be the subject of a conservation agreement between the county and the owner of such land that prohibits non-farm use or development of such land for a period of at least ten years, except for the creation of not more than three lots that meet applicable county building and subdivision regulations; and,
4. Be located in the unincorporated area of Pamlico County.

**ARTICLE VIII  
APPLICATION, APPROVAL, AND APPEAL PROCEDURE**

A. Application Procedure

1. A landowner may apply to participate in either the Voluntary Agricultural District or the Enhanced Voluntary Agricultural District program by making application to the chairperson of the Advisory Board or a designated staff person and must designate the application as for either the Voluntary Agricultural District status or Enhanced District status. The application shall be on forms provided by the Advisory board. The process will begin with the certification of the farmland to insure eligibility. A nonrefundable application fee of \$50.00 is due when the application is submitted.
2. A conservation agreement (required by N.C.G.S. 106-737 and defined in N.C.G.S. 121-35) suited to district type (VAD or

Enhanced VAD) designated by the landowner to sustain, encourage, and promote agriculture must be executed by the landowner and recorded with the Advisory Board, which shall record an original of such with the Pamlico County Registrar of Deeds. Permitted uses include agriculture, horticulture, and forestry. Conservation Agreements for the Enhanced Voluntary Agricultural District program may, at the election of the parties, include provision requiring that any disputes between the county and the landowner be resolved through arbitration or mediation and in the event of litigation, that the prevailing party be awarded costs, including reasonable attorney fees. The Conservation Agreement for the Enhanced Voluntary Agricultural District shall be binding upon all successors in interest to the landowner, except for successors in interest resulting from the exercise of rights under a security interest or lien that preceded the Conservation Agreement.

B. Approval Process

1. Upon submission of the application to the Advisory Board, the Advisory Board shall meet within sixty (60) days to approve or disapprove the application. The chairperson shall notify the applicant by first class mail of approval or disapproval of participation in the District.
2. Upon receipt of an application, the chairperson will forward copies immediately to the following offices which shall be asked to provide comments, if any, to the Advisory Board prior to the date set for the Advisory Board to vote on the application.
  - a. The Pamlico County Tax Assessors Office
  - b. The Pamlico County N.C. Cooperative Extension
  - c. The Pamlico Soil & Water Conservation District
  - d. The County Manager
  - e. The County Planning Board

C. Appeal

If an application is denied by the Advisory Board, the landowner may, within thirty, (30) days of notification of disapproval of the application, request in writing that the Advisory Board reconsider its decision. The request for reconsideration shall state the reason(s) therefore. Upon either an initial denial, if no request for reconsideration was made, or denial after reconsideration, the landowner shall have thirty (30) days from the date of notification to appeal the decision to the Board of Commissioners. That appeal shall be presented in writing. The decision of the Board of Commissioners is final.

**ARTICLE IX  
REVOCATION, ENFORCEMENT, AND RENEWAL OF  
CONSERVATION AGREEMENTS**

A. Revocation and Enforcement

1. District. By providing written notice to the Advisory Board, a landowner of qualifying farmland within a Voluntary Agricultural District may revoke the Conservation Agreement or the Advisory Board may revoke the same Conservation Agreement based on noncompliance by the landowner, subject to the same provisions as contained in Article VIII(C) for appeal of denials. Such revocation shall result in loss of qualifying farm status and loss of eligibility to participate in a district. Absent noncompliance by the landowner, neither the Advisory Board nor the Board of Commissioners shall revoke any Conservation Agreement prior to its expiration. If the Advisory Board shall revoke this Conservation Agreement for cause, the landowner shall have the appeal rights set forth in Article VIII(C). Transfers of land in a Voluntary Agricultural District due to death of the landowner, sale or gift shall not revoke the Conservation Agreement unless the land no longer qualifies for the present-use-value taxation program or, in the event that there are water or sewer assessments held in abeyance, the new owner fails to agree in writing to accept liability for those assessments in the event that the land is withdrawn either voluntarily or involuntarily from the district. Enforcement of the terms of a Conservation Agreement for land enrolled in a Voluntary Agricultural District shall be limited to revocation of the Conservation Agreement and the benefits derived therefrom.

2. Enhanced District. Conservation Agreements for land within Enhanced Districts are irrevocable for a period of 10 years. Enforcement of the terms of the Conservation Agreement may be through an action for injunctive relief and/or damages in a court of competent jurisdiction. The County may also terminate any benefits to the owner under this program either permanently or during the period of violation, as appropriate. If the Advisory Board shall revoke this Conservation Agreement for cause, the landowner shall have the appeal rights set forth in Article VIII(C). The right to terminate program benefits is in addition to any legal rights that the County may have under either this Ordinance or the terms of the applicable Conservation Agreement. The county may seek costs of the action including reasonable attorney fees if such a provision is incorporated into the Conservation Agreement.

B. Renewal

1. District. A Conservation Agreement for land within a Voluntary Agricultural District shall not, nor need to be renewed, as it continues in perpetuity until termination in accordance with this Ordinance.
2. Enhanced District. A Conservation Agreement for the Enhanced Voluntary Agricultural District shall be deemed automatically renewed for an additional term of 3 years, unless either the Advisory Board or the landowner gives written notice to the contrary prior to the termination date of the Conservation Agreement. At the end of each three (3) year term, the Conservation Agreement shall automatically renew for an additional three (3) year term unless notice of termination is given.

**ARTICLE X  
WAIVER OF WATER ASSESSMENTS**

A. No Connection Required

1. A landowner belonging to the District shall not be assessed for or required to connect to the Pamlico County Water System.
2. A landowner belonging to an Enhanced District shall not be assessed or required to connect to the Pamlico County Water System.

B. Abeyance

1. If applicable, water assessments will be held in abeyance, without interest, for farms, whether inside or outside of a District, until improvements on such property are connected to the water system for which the assessment was made.
2. If applicable, water and other utility assessments shall be held in abeyance, without interest, for farms in an Enhanced District, until improvements on such property are connected to the utility system for which the assessment was made.

C. Termination of Abeyance

When the period of abeyance ends, the assessment is payable in accordance with the terms set out in the assessment resolution.

D. Suspension of Statute of Limitations

Statutes of limitations are suspended during the time that any assessment is held in abeyance without interest. The landowner may be required to sign an acknowledgement (that may be incorporated into the Conservation Agreement) of the abeyance of the statute of limitations upon collecting water and other utility assessments.

E. Other Statutory Abeyance Procedures

Nothing in this section is intended to diminish the authority of the County to hold assessments in abeyance under N.C.G.S. 153A-201 or other applicable law.

F. Conflict with Water and/or Sewer System Construction and Improvement Grants

To the extent that this section conflicts with the terms of federal, state, or other grants under which county utility systems are constructed this section shall not apply. This section shall not apply to utilities that are not owned by the County unless the County has entered into an agreement with the entity (ies) owning the utilities and that agreement provides that this Ordinance shall apply.

**ARTICLE XI  
ADDITIONAL ENHANCED AGRICULTURAL DISTRICT BENEFITS**

Land enrolled in the Enhanced Voluntary Agricultural District program is to be entitled to all of the benefits available under the Voluntary Agricultural District program and to the following additional benefits:

A. Sale of Non-farm Products

Landowners participating in Enhanced Districts may receive up to twenty-five percent of gross sales from the sale of non-farm products and still qualify as a bona fide farm that is exempt from county zoning regulations under N.C.G.S 153A-340(b). A landowner seeking to benefit from this

subsection shall have the burden of establishing that the property's sale of non-farm products did not exceed twenty-five percent of its gross sales. A county may adopt an ordinance pursuant to this section that sets forth the standards necessary for proof of compliance.

B. Agricultural Cost Share Program

Landowners participating in Enhanced District are eligible under N.C.G.S. 143-215.74(b) to receive higher percentage of cost-share funds for the benefit of that farmland under the Agriculture Cost Share Program established pursuant to Part 9 of Article 221 of Chapter 143 of the General Statutes for funds to benefit that farmland.

C. Priority Consideration

State departments, institutions, or agencies that award grants to farmers are encouraged to give priority consideration to landowners participating in Enhanced Districts.

D. Utility Assessment Abeyance

As provided in Article X above, abeyance of all county utility assessments in, addition to the abeyance of water assessments, shall apply to all participants in Enhanced Districts.

**ARTICLE XII  
PUBLIC NOTICE**

A. Purpose

N.C.G.S. Section 106-740 provides that a county ordinance that establishes a farmland preservation program may provide that no State or local public agency or governmental unit may formally initiate any action to condemn any interest in qualifying farmland within a voluntary agricultural district or an enhanced voluntary agricultural district until such agency has requested the local agricultural advisory board established under G.S. 106-739 to hold a public hearing on the proposed condemnation. This Article provides for such a hearing.

B. Procedure

1. Upon receiving a request, the Advisory Board shall publish notice describing the proposed action in the appropriate newspapers of Pamlico County within five (5) business day of the request, and will in the same notice notify the public of a public hearing on the proposed condemnation, to be held within no less than fifteen (15) and no more than twenty-five (25) days of receipt of the request.
2. The Advisory Board shall meet to review:
  - a. if the need for the project has been satisfactorily established by the agency or unit of government involved, including a review of any fiscal impact analysis conducted by the agency involved; and
  - b. alternatives to the proposed action that have less impact and are less disruptive to the agricultural activities of the District within which the proposed action is to take place.
3. The Advisory Board shall consult with the Pamlico Soil and Water Conservation District Conservationist, County Agricultural Extension Agent and may consult with any other individuals, agencies, or organizations deemed by the Advisory Board to be necessary for its review of the proposed action. Land value will not be a factor in the selection between properties under consideration for the proposed action.
4. Within no less than fifteen (15) days after the public hearings, the Advisory Board shall make a report containing its findings and recommendations regarding the proposed action. The report shall be made available to the public for comment prior to its being conveyed to the decision-making body of the agency proposing the acquisition.
5. There will be a period of ten (10) days allowed for public comment on the report of the Advisory Board.
6. After the ten (10) day period for public comment has expired, the Advisory Board shall submit a final report containing all of its findings and recommendations regarding the proposed action to the decision making body of the agency proposing the acquisition.

7. The total time period, from the day that request for a hearing has been received to the day that a final report is issued to the decision making body of the agency proposing the acquisition, shall not exceed sixty (60) days. If the agency agrees to an extension, the agency and the Advisory Board shall mutually agree upon a schedule to be set forth in writing and made available to the public.
8. Pursuant to N.C.G.S. 106-740, the Board of Commissioners shall not permit any formal initiation of condemnation by local agencies while the proposed condemnation is properly before the Advisory Board.

### **ARTICLE XIII NOTIFICATION**

A. Record of Notice of Proximity to Voluntary Agricultural District or Enhanced Voluntary Agricultural District.

1. Procedure for Notification

Upon certification of qualifying farmland and designation of real property as a District, the title to that qualifying farmland and real property, which is contained in the Pamlico County Land Records System shall be indexed to include a notice reasonably calculated to alert a person researching the title of a particular tract that such tract is located within one-half aerial mile of a Voluntary Agricultural District or Enhanced Voluntary District. The purpose of such notification is to inform current and potential residents and property owners in and adjacent to a Voluntary Agricultural District or Enhanced Voluntary Agricultural District, that farming and agricultural activities may take place in this District any time during the day or night. The activities may include, but are not limited to the following: pesticide spraying, manure spreading, machinery and truck operations, burning, livestock operations, logging, and other common farming and forestry activities.

2. The following notice shall be made available to everyone recording a deed or plat with the Register of Deeds:

NOTICE TO REAL ESTATE PURCHASERS IN PAMLICO COUNTY  
PAMLICO COUNTY AGRICULTURAL DISTRICTS  
Pamlico County has established agricultural districts to protect and preserve agricultural lands and activities. These districts have been developed and mapped by the county to inform all purchasers

of real property within one-half aerial mile of a Voluntary Agricultural District or Enhanced Voluntary Agricultural District that certain agricultural activities, including but not limited to the following: pesticide spraying, manure spreading, machinery and truck operations, burning, livestock operations, logging and other common farming and forestry activities may take place in these districts any time during the day or night. Maps of the location of Voluntary Agricultural Districts and Enhanced Voluntary Agricultural Districts can be obtained through the overlay system provided to all county offices and the general public through internet access by the Tax Assessor's Office.

3. Limit of Liability

In no event shall the County or any of its officers, employees, members of the Advisory Board, or agents be held liable in damages for any misfeasance, malfeasance, or nonfeasance occurring in good faith in connection with the duties or obligations imposed by this Ordinance.

4. No Cause of Action

In no event shall any cause of action arise out of the failure of a person researching the title of a particular tract to report to any person the proximity of the tract to qualifying farm or Voluntary Agricultural District & Enhanced Voluntary Agricultural District as defined in this Ordinance.

B. Signage

Signs identifying approved agricultural districts may be placed along the rights-of-way of major roads that pass through or next to those districts or as deemed appropriate by the Advisory Board, or its administrative agent for the county's agricultural district program. Members of the Agricultural District may place signs on their individual farms denoting their Agricultural District membership. Placement of signage shall be coordinated with the North Carolina Department of Transportation and Pamlico County, when applicable.

C. Maps

Maps identifying approved Voluntary Agricultural Districts and Enhanced Voluntary Agricultural Districts can be obtained through the overlay system provided to all county offices and the general public through internet access by the Tax Assessor's Office.

**ARTICLE XIV  
SUBDIVISION ORDINANCE AND OTHER  
LAND USE ORDINANCES REVIEW**

Developers of subdivisions, planned unit developments, condominiums or group housing projects shall designate on preliminary and final plats and maps, the existence of all Districts and Enhanced Districts within one-half aerial mile of the proposed development.

**ARTICLE XV  
BUILDING PERMIT REGISTRATION**

Pamlico County shall require persons applying for a building permit within one-half aerial mile of a Voluntary Agricultural District or an Enhanced Voluntary Agricultural District, or persons registering a deed, to sign the following statement, which shall be maintained at the office of the Advisory Board: "I certify that I have reviewed the most current Pamlico County Agricultural Districting Map found in the Register of Deeds Office and I have noted the proximity of Agricultural District Boundaries to my property. I understand that agricultural activities include, but are not limited to the following: pesticide spraying, burning, logging, machinery operation and other common farming activities which may occur at any time in these areas.

**ARTICLE XVI  
CONSULTATION AUTHORITY**

The Advisory Board may consult with the Pamlico Soil and Water Conservation District, the N.C. Cooperative Extension Office, The North Carolina Department of Agriculture and Consumer Services, and any other such agency, individual, or organization the Advisory Board deems necessary to properly conduct its business.

**ARTICLE XVII  
NORTH CAROLINA AGENCY NOTIFICATION**

**Annually Report to the North Carolina Department of Agriculture and Consumer Services**

A copy of this shall be sent to the Office of the North Carolina Commissioner of Agriculture and Consumer Services, the Board of Commissioners, the County Office of North Carolina Cooperative Extension, and the Soil and Water

Conservation District office after adoption. At least annually the county shall submit a written report to the Commissioner of Agriculture and Consumer Services on the county's agricultural district program, including the following information:

1. Number of landowners enrolled;
2. Number of acres enrolled;
3. Number of acres certified during the reporting period;
4. Number of acres denied during the reporting period;
5. Number of acres for which applications are pending;
6. Copies of any amendments to this Ordinance; and
7. Any other information the Advisory Board deems useful.

## **ARTICLE XVIII LEGAL PROVISIONS**

### **A. Severability**

If any article, section, subsection, clause, phrase or portion of this ordinance is for any reason invalid or unconstitutional as determined by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

### **B. Conflict with other Ordinances and Statutes**

Whenever the provisions of this Ordinance conflict with other ordinances of Pamlico County, this Ordinance shall govern. Whenever the provisions of any federal or state statute require more restrictive provisions that are required by this Ordinance, the provisions of such statute shall govern.

### **C. Amendments**

After notification and in consultation with the Agricultural District Advisory Board this Ordinance may be amended from time to time by the Pamlico County Board of Commissioners, subject to a public hearing, notice given thirty (30) days prior.

On a motion made by Commissioner Kenny Heath and seconded by Commissioner Roy Brinson, the request from Garry Cooper, Recreation Director to install the Alliance Park Playground equipment at he Bayboro Park was **tabled** to look at further options allowing the equipment to remain at the Alliance Park.

A motion was made by Commissioner Paul Delamar and seconded by Commissioner Roy Brinson, to approve the change order to the Alliance Park for installation of an irrigation system for the new ball field in the amount of \$6,200. This failed for lack of a majority vote. Commissioners Christine Mele, Kenny Heath and Ann Holton cast dissenting votes.

On a motion made by Commissioner Ann Holton and seconded by Commissioner Carl Ollison, the following resolution was passed majority vote. Commissioners Paul Delamar and Roy Brinson cast dissenting votes.

**BE IT RESOLVED, to install the water meter at the new ball field and manually water with sprinklers on timers.**

**BE IT FURTHER RESOLVED, to move funds from the General Fund to Water Fund for the impact and tap on fees for the meter.**

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

**BE IT RESOLVED, the change order to the Water Department Tank Painting Contract in the amount of \$41,600 is hereby approved. Funds are available.**

A motion was made by Commissioner Kenny Heath and seconded by Commissioner Ann Holton, **to table** the request from David Spruill, Emergency Manager to use the Town of Bayboro's garage bays as a distribution point for storm supplies.

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

**BE IT RESOLVED, that Commissioner Christine Mele is hereby recused from voting on the request from Ms. Mary Jane Westphal, Asst. Finance Officer to volunteer to assist PINE due to conflict of interest.**

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

**BE IT RESOLVED, the request from Ms. Mary Jane Westphal, Asst. Finance Officer for permission to volunteer to assist PINE with tax related issues is hereby approved.**

A motion was made by Commissioner Roy Brinson and seconded by Commissioner Kenny Heath, **to table** the appointments to Western Bay River Sewer Board due to lack of applicants.

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

**BE IT RESOLVED, the apparent low bid of \$94,900 of W.O. White for the completion of road work in Bay Harbor Subdivision is hereby approved.**

**BE IT FURTHER RESOLVED, that staff is allowed to sign contact documents and give notice to proceed with the work.**

A motion was made by Commissioner Kenny Heath and seconded by Commissioner Ann Holton to release the closed session minutes regarding Bay Harbor Subdivision and the Sandra Netting Litigation because both have been resolved. These motions were withdrawn because Commissioner Roy Brinson asked for an amendment to be made to the January 26, 2009 closed session minutes.

The Board took a five (5) minute recess.

On a motion made by Commissioner Roy Brinson and seconded by Commissioner Carl Ollison, the following was unanimously approved.

**BE IT RESOVLED, the addition added to the January 26, 2009 closed session minutes is hereby approved.**

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

**BE IT RESOLVED, the following closed session minutes concerning the Sandra Netting Litigation and the Bay Harbor Subdivision are hereby unsealed.**

**UNSEALED  
CLOSED SESSION OF THE PAMLICO COUNTY BOARD OF  
COMMISSIONERS  
MONDAY FEBRUARY 19, 2007**

The Pamlico County Board of Commissioners met in closed session on Monday February 19, 2007 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 and Clerk to the Board Kathy P. Cayton.

County Attorney Jim Hicks discussed with Board Members the lawsuit filed by Ms. Sandra Netting against the County regarding a septic permit. He stated our

insurance carrier had been notified and Womble and Carlisle would be representing the County.

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

**UNSEALED  
CLOSED SESSION OF THE PAMLICO COUNTY BOARD OF  
COMMISSIONERS  
JANUARY 26, 2009**

The Pamlico County Board of Commissioners met in closed session 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 and Clerk to the Board Kathy P. Cayton.

County Attorney Jim Hicks reviewed of the calling of the bond for Bay Harbor Subdivision. Mr. Hicks stated that Petty Creek the Owners of the Subdivision had posted a letter of credit with BB&T and for additional collateral a CD. Per BB&T, Petty Creek is in a financial dilemma and BB&T has raised a technical objection with releasing the CD.

Attorney Hicks informed Board Members the letter requesting the bond was received by BB&T after the bond had matured and Attorney Hicks said the late filing was the firm's error. Attorney Hicks stated that the County will not be billed for time after the error. **County Attorney Hicks assured Board Members that his firm would make good on the bond if the bank did not.**

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

**UNSEALED  
CLOSED SESSION OF THE PAMLICO COUNTY BOARD OF  
COMMISSIONERS  
MONDAY APRIL 6, 2009**

The Pamlico County Board of Commissioners met in closed session on Monday April 6, 2009 in accordance with G.S. 143-318.11(a) (3) client attorney privilege to discuss matters related to the Bay Harbor Subdivision. All Commissioners were present. Also present were County Attorney Jim Hicks, County Manager Tim Buck and Clerk to the Board Kathy P. Cayton.

County Manager Tim Buck updated the Board on the project status and recently opened bids. County Attorney Jim Hicks updated the Board on the status of the letter of credit, and issues related thereto. He advised the Board that his firm was obtaining two external opinions, and would be in a position to give the Board a more definitive opinion related to the letter of credit at an upcoming meeting. He further advised that his firm will pay for the opinions at no cost to Pamlico County.

**UNSEALED  
CLOSED SESSION OF THE PAMLICO COUNTY BOARD OF  
COMMISSIONERS  
MONDAY MAY 12, 2009**

The Pamlico County Board of Commissioners met in closed session on Monday May 12, 2009 in accordance with G. S. 143.318.11.(a) 6 Attorney Client Privilege. All Commissioners were present. Also present were Attorney Ben Hollowell, County Manager Tim Buck and Clerk to the Board Kathy P. Cayton.

Chairman Paul Delamar that because he felt the Board needed legal advice he had requested Attorney Ben Hollowell be in attendance.

Chairman Paul Delamar informed Board Members that in order to satisfy the obligations on the letter of credit for Bay Harbor the County has to make a demand from Sumrell, Sugg, Carmichael, Hicks and Hart for funds to cover the entire amount of the Bay Harbor bond. Attorney Ben Hollowell can draft that letter of demand for the County.

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

**BE IT RESOLVED, that Attorney Ben Hollowell is hereby authorized to construct a demand letter to be issued to Sumrell, Sugg, Carmichael, Hicks and Hart for the entire amount of the bond issued for Bay Harbor Subdivision.**

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

**UNSEALED  
CLOSED SESSION OF THE PAMLICO COUNTY BOARD OF  
COMMISSIONERS  
MONDAY JUNE 1, 2009**

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

Attorney Ben Hollowell informed Board Members he had spent the week reviewing files and speaking with the County Manager. Attorney Hollowell said he had received a call last Wednesday from County Attorney Jim Hicks and Mr. Hicks said that BB&T will still step up to the plate, but BB&T thinks the County should let contracts go for bid before BB&T pays. Board Members did not agree with that option. Board Members agreed there need to be critical negotiations between County Attorney Jim Hicks and BB&T. County Attorney Jim Hicks told Attorney Ben Hollowell that Sumrell, Sugg, Carmichael, Hicks and Hart's malpractice insurance had put Pamlico County's demand letter on the shelf. Attorney Ben Hollowell said he would like to go to New Bern and meet face to face with County Attorney Jim Hicks to discuss the situation. Attorney Hollowell will come back to the Board at the June 15, 2009 meeting to give them details of the explanation County Attorney Jim Hicks gives him. Attorney Ben Hollowell did suggest Board Members consider setting a deadline for the bond monies to be paid.

Board Members discussed the May 12, 2009 closed session minutes and determined they were correct.

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

**UNSEALED  
CLOSED SESSION OF THE PAMLICO COUNTY BOARD OF  
COMMISSIONERS  
MONDAY JUNE 15, 2009**

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

Attorney Ben Hollowell informed Board Members that he had met with County Attorney Jim Hicks last week and BB&T has agreed to pay the entire amount of the recent bid from W.O White for \$109,535.00 the completion of the roads in Bay Harbor and the principal amount of the Hardy Construction lien for \$7,609.00 for a total amount of \$117,144.00. Any change orders will be taken care of by Sumrell, Suggs, Carmichael, Hicks and Hart.

Attorney Ben Hollowell said that this issue should be wrapped up in approximately two (2) weeks.

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

**UNSEALED  
CLOSED SESSION OF THE PAMLICO COUNTY BOARD OF  
COMMISSIONERS  
MONDAY JULY 20, 2009**

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 Bay Harbor Bond. All Commissioners were present. Also present were Attorney Ben Hollowell, County Manager Tim Buck and Clerk to the Board Kathy P. Cayton.

Attorney Ben Hollowell presented two (2) releases the primary Pamlico County and the Hardy Construction release. The total sum being \$117,144.00 to cover the bid cost from W.O. White for the completion of the road and \$7,609.00 to Hardy Construction.

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

**BE IT RESOLVED, the total release agreement in the amount of \$117,144.00 with Branch Banking an Trust Company on behalf of Petty Creek, as applicant and account party, in favor of Pamlico County as the beneficiary is hereby approved and the Chairman's signature is authorized thereon.**

**BE IT FURTHER RESOLVED, the release agreement from Hardy Construction, Inc. releasing the streets and water system from its claim in exchange for payment of \$7,609 is hereby approved.**

The Board Members also discussed amending the June 15, 2009 closed session minutes before release. The amount of the release that was put into the minutes was not correct.

**UNSEALED  
CLOSED SESSION OF THE PAMLICO COUNTY BOARD OF  
COMMISSIONERS  
MONDAY AUGUST 3, 2009**

The Pamlico County Board of Commissioners met in closed session in accordance with G.S. 143.318(a)3 client attorney privilege to receive an update on Bay Harbor. All Commissioners were present. Also present were Attorney Ben Hollowell, County Manager Tim Buck and Clerk to the Board Kathy P. Cayton.

Attorney Ben Hollowell informed Board Members the release to date had not been signed by the developer. Chairman Paul Delamar said he had spoken with County Attorney Jim Hicks and had been assured the developer would sign. Board Members agreed the issue needed to be resolved by the August 17, 2009 meeting. Attorney Ben Hollowell gave the Board an overview of the claims process.

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

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

**BE IT RESOLVED, the final plat for River Dunes Section 18 is hereby approved contingent on delivery of the performance bond.**

There will be a Building and Grounds Committee Meeting on Tuesday September 8, 2009 at 6:00 p.m. prior to the regular Board Meeting.

On a motion made by Commissioner Ann Holton and seconded by Commissioner Carl Ollison, the Board went into closed session in accordance with G. S. 143.318.11 (a) 6 to discuss the interview of an applicant for Finance Officer.

On a motion made by Commissioner Kenny Heath and seconded by Commissioner Ann Holton, 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 Carl Ollison and seconded by Commissioner Ann Holton, the Board adjourned until Tuesday September 8, 2009 at 7:00 p.m.

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Chairman

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Clerk to the Board