# Meeting Minutes

## Board of County Commissioners
## Hyde County

## May 21, 2012

Chairwoman Sharon Spencer called the regular meeting of the Hyde County Board of Commissioners to order at 6:00 PM on Monday, May 21, 2012 in the Hyde County Government Center, Multi-Use Room, and the Ocracoke School Commons Room using electronic conferencing equipment. The following members were present on the mainland: Commissioners Anson Byrd, Sharon Spencer and Dick Tunnell; Attorney Chip Edwards; County Manager Mazie Smith; Deputy Clerk to the Board Lois Stotesberry; and, members of the public. The following members were present on Ocracoke: Commissioner Darlene Styron, Deputy Clerk Jamie Carter; and, members of the public. Commissioner Swindell arrived at 6:30 p.m.

Following pledge of allegiance and opening prayer by Commissioner Spencer, the meeting was called to order.

**Agenda:**

Chairwoman Spencer asked for any changes to the May 21, 2012 meeting Agenda as presented by the Clerk.

Commissioner Tunnell moved to approve the agenda with deletion of Item 6 – 300th Anniversary Presentation and Item 9 – Public Hearing on Rural Operating Assistance Program; and, addition of Item 13 (1) – Airport Budget Transfer. Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron and Tunnell  Nays – None  Absent – Swindell

**Consideration of Minutes:**

Chairwoman Spencer asked for approval of meeting minutes.

Commissioner Byrd moved to approve the May 7, 2012 Commissioners regular meeting minutes and the May 14, 15, 16, 2012 Budget Workshop meeting minutes as presented by the Clerk. Mr. Tunnell seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron and Tunnell  Nays – None  Absent – Swindell

**Public Comments:**

Chairwoman Spencer called for comments from the public.

Randy Hignite, President, Hyde County Chamber of Commerce – presented report of services the Chamber provides to Hyde County on the mainland and Ocracoke Island. He also reported that he had placed a call requesting immediate FEMA payment to Hyde County.

David Fletcher, Lake Landing – thanked the Board for reinstating the Senior Center budget and recommended offering the Hyde County Jail to Beaufort County.

Betty Burleson, BHM Regional Library Board of Trustees – spoke on behalf of Chairman Ed Modlin (who could not attend) and requested a meeting with the Board of Commissioners to discuss funding for the Hyde County Library.

Manager Smith reported that per contract requirements the BHM Regional Library fund of $42,000 will be included in the FY2012-2013 Hyde County Budget.

Billy Farrow, Engelhard – expressed concerns about citizens throwing trash in ditches and asked that roadside trash pickup be reinstated. Mr. Farrow is willing to pay for this service.

Bob Hayes, Engelhard – concurred with Mr. Farrow.

There being no further comments from the public, Chairwoman Spencer continued the meeting.

Commissioner Swindell arrived at 6:30 p.m.

**Special Recognition:**

**Employee of the Month**

Manager Smith introduced Cindy Carawan, Director of Election and Veteran Affairs Officer, as employee of the month. Ms. Carawan has been employed with Hyde County for eleven years. She always has a smile on her face and is helpful to all.

**Presentation:**

**Fiscal Year 2012-2013 Budget**

Manager Smith presented the proposed FY2012-2013 Hyde County Budget message. She explained how the budget was developed; reflected on FY2011-2012; presented budget drivers and trends; reported anticipated revenues and expenditures; reviewed the Commissioners and Manager's goals; and, discussed plans for the upcoming years. The FY20121-2013 Budget Ordinance and Resolution will be presented for Board approval at the next regularly scheduled Commissioners meeting on June 4, 2012.

**Public Hearings:**

**Fiscal Year 2012-2013 Budget**

Commissioner Swindell moved to open public hearing on FY2012-2013 Hyde County Budget. Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell Nays – None

Fred Westervelt, Ocracoke – commended Manager Smith and County staff on the budget presentation, and asked about solid waste savings and services being curtailed.

Connie Linebach, Ocracoke – asked what would be left if Fund Balance is used to balance the County budget.

Manager Smith reported $1.4 million in Fund Balance.

Corrinne Gibbs, Finance Officer, explained that the County must maintain 8% of the prior year funds expenditures, which equals approximately $1.26 million. If the County fails to comply the Local Government Commission (LGC) will take over operations. Ms. Gibbs reported that Fund Balance can be used to pay the BHM Regional Library Contract that was not included in the budget.

Commissioner Spencer stated the Board should not balance the budget with Fund Balance dollars. These funds are for emergencies.

Art Keeney, Engelhard – asked if FEMA funds are received will budget issues be solved. He asked if the State took into consideration that the County has loaned funds to the hurricane fund.

Corrinne Gibbs, Finance Officer, answered no. She reported that FEMA funds in the amount of $4.2 million dollars will not be paid to the County in one lump sum.

Commissioner Byrd would like to see some of the Chamber of Commerce funds restored and offered his salary to this agency.

Clint Berry, Utilities Director, responded to request for street sign funds and stated that the County is not mandated to provide street signs, but if provided then the County is mandated to meet NCDOT regulations.

Brian Carter, Deputy Director of Emergency Services, stated that street signs are essential to providing emergency medical services to citizens.

Commissioner Swindell asked that each department audit its utilities, gas/oil and telephone lines to find the $10,000 requested by the Chamber of Commerce.

Manager Smith reported that the Mainland Occupancy Tax Board recommends where to spend its yearly $6,500, and then the Board is asked to approve the recommendations.

Commissioner Spencer recommended the Chamber meet with the Ocracoke Occupancy Tax Board and request funding.

Ken Collier, Ponzer – appreciates the Board of Commissioners. He recommends finding ways to designate US Hwy 264 to encourage new businesses.

Commissioner Byrd moved to close public hearing on FY2012-2013 Hyde County Budget. Mr. Swindell seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell Nays – None

**Proposed Change to Animal Control Ordinance (second reading)**

Commissioner Tunnell moved to open public hearing on proposed change to the Hyde County Animal Control Ordinance. Ms. Styron seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell Nays – None

Connie Linebach, Ocracoke – asked if the proposed change include dog feces and who will enforce the ordinance.

Fred Westervelt, Ocracoke – expressed concerns that individual liberties can be sacrificed with little to no thought.

Hugh Watson, Environmental Health Coordinator, reported that this has been a ten year long problem. He stated that manure catchers are not expensive and do not affect the animal.

Commissioner Styron stated that the National Park Service (NPS) is also having this problem and will be implementing regulations.

Commissioner Swindell moved to close public hearing on proposed change to the Hyde County Animal Control Ordinance. Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell Nays – None

Commissioner Byrd moved to approve Changes to Chapter 4 of the Hyde County Animal Control Ordinance to include language in Section 4-1, "Definitions", and in Section 4-8 "Animals that are public nuisance" that requires owners of domestic animals to remove feces deposited by his or her animal. For larger animals such as horses, the owner must equip the animal with a manure catcher to immediately prevent manure from soiling property. Ms. Styron seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron and Swindell Nays – Tunnell

*Clerk's Note: A copy of "Amended Hyde County Animal Control Ordinance" is attached herewith as Exhibit A and incorporated herein by reference.*

**Items of Consideration:**

**Signature Approval for Signing Checks**

Manager Smith reported that an additional signatory is needed to sign County checks. Finance Officer Corrinne Gibbs recommends Tammy Blake for this role.

Commissioner Swindell moved to approve Tammy Blake to be signatory to sign County checks. Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell Nays – None

**Appointment to Beaufort-Hyde-Martin Regional Library Board**

Commissioner Styron will recommend a member to serve on the Library Board from Ocracoke at the next regularly scheduled Board meeting on June 4, 2012.

**Budgetary Matters:**

Mazie Smith, County Manager, reported that in accordance with the FY2011-2012 Budget Ordinance, Article XIX, Section I, 11budget transfers were approved administratively. Additionally, 2 transfers need Board approval.

| Approved Administratively | | | |
|---|---|---|---|
| **Department** | **Program** | **Amount** | **Explanation** |
| Airport | Aviation | $4,000.00 | from Auto Maintenance to Equipment & Maintenance |
| Health | Home Health | $523.00 | from Training to Dues & Subscriptions |
| Planning | Travel | $315.00 | from Dues to Travel |
| **Board Approval Required** | | | |
| **Department** | **Program** | **Amount** | **Explanation** |
| Health | Environmental | $1,200.00 | from Salaries to P/T Salaries |
| | WIC | $2,100.00 | from Salaries to P/T Salaries |

Commissioner Swindell moved to approve the 3 budget transfers approved administratively by Manager Smith and the 2 transfers that require Board approval. Mr. Tunnell seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell Nays – None

**County Commissioners Reports:**

**Commissioner Styron** – reported that she attended the Ferry Tolls Opposition meeting in Raleigh on May 16 and the FY2012-2013 Budget meetings. She commended department heads and the finance officer for work done on the budget proposal.

**Commissioner Byrd** – stated that he also appreciates work done on the budget.

**Commissioner Tunnell** – stated that he also commends employees for work done on the budget. He stated things will get better. Mr. Tunnell will be attending Legislative Day in Raleigh on May 30.

**Commissioner Swindell** – concurs, there is always someone in worse shape than we are.

**Commissioner Spencer** – reported that she has responded to calls from citizens about budget concerns. She stated that the Board has been very receptive to recommendations and taxes will be raised reluctantly. Manager Smith was instructed to balance the budget with no tax increases.

Ms. Spencer also appreciates work done by the Finance Officer and staff on the budget presentation. She attended the Ferry Toll Opposition meeting in Raleigh on May 16 where she was seated in the Senate Gallery. Ms. Spencer reported that the NC Senate opens with prayer every time they meet. She reported that the ferry toll fight is not over. It was tabled by Senator Stan White and Representative Tim Spears until June, 2013.

**County Manager's Report:**

Manager Smith thanked the Board its work on the budget. Cuts were hard to make but they will put us on sound footing for a bright future. She attended the 75th British Cemetery Anniversary on Ocracoke and stated that she is proud to be an American. Ms. Smith also stated that things are going to get better.

**Closed Session** (none)

**Supplemental Information:**

**Department Reports**

Finance – FEMA Report
Animal Control
Health Department
Inspections/Code Enforcement

**Meeting Calendar**

**May, 2012**
05-28-2012 Memorial Day Holiday (County offices closed)

Commissioner Tunnell moved to adjourn the meeting. Mr. Swindell seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell Nays – None

The meeting adjourned at 7:50 P.M.
Respectfully submitted:

Minutes approved on the 4th day of June, 2012.

Lois Stotesberry
Lois Stotesberry, Deputy Clerk
Hyde County Board of Commissioners

Sharon Spencer
Sharon Spencer, Chair
Hyde County Board of Commissioners

Attachments:

Exhibit A: *"Amended Hyde County Animal Control Ordinance"*

AMENDMENT OF

ANIMAL CONTROL ORDINANCE

FOR HYDE COUNTY

Be it ordained by the Board of Commissioners of Hyde County, North Carolina, that the following Animal Control Ordinance and the original Ordinance #17 as subsequently amended, is hereby further amended as follows:

CHAPTER FOUR: ANIMAL CONTROL ORDINANCE

SECTION 4-1. DEFINITIONS: The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Animal control officer* means any person hired ***or contracted*** -------

***(6) Any domesticated animal that soils or defiles private or public property.***

SECTION: 4-8. ANIMALS THAT ARE PUBLIC NUISANCE.

***(c) It shall be unlawful for any person while harboring, walking, riding, in possession of or in charge of, a dog, horse, or other domesticated animal, on public property or public right of way, or any private property without the permission of the private property owner, to allow their animal to soil or defile said property. Every owner shall have in his or her possession a bag or other container that closes, which is suitable for removing feces deposited by the animal. For horses or other large domesticated animals, the animal must be equipped with a manure catcher to immediately prevent manure from soiling or defiling above referenced locations.*** (Ord. No. 165, § 7, 4-7-2008)

This Animal Control Ordinance was duly adopted by the Hyde County Board of Commissioners at a meeting on the 18TH Day of April, 1994; adopted as amended on the 18th day of June, 2001; further amended on the 7th day of April, 2008; and, subsequently further amended on the 21st day of May, 2012.

Sharon P. Spencer

Sharon P. Spencer, Chair
Hyde County Board of Commissioners

ATTEST

SEAL

Lois Stotesberry

Lois Stotesberry
Deputy Clerk to the Board