

Meeting Minutes

**Board of County Commissioners
Hyde County**

June 4, 2012

Chairwoman Sharon Spencer called the regular meeting of the Hyde County Board of Commissioners to order at 6:00 PM on Monday, June 4, 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, Barry Swindell and Dick Tunnell; Attorney Fred Holscher; County Manager Mazie Smith; Deputy Clerk to the Board Lois Stotesberry; and, members of the public. The following members were present on Ocracoke: Deputy Clerk Jamie Carter; and, members of the public. Commissioner Darlene Styron arrived at 6:05 p.m.

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

Agenda:

Chairwoman Spencer asked for any changes to the June 4, 2012 meeting Agenda as presented by the Clerk.

Commissioner Byrd moved to approve the agenda with addition of Item 21 (a) – Application – Public School Building Capital Fund North Carolina Education Lottery – QZAB Bond Payment and Item 21 (b) – Budget Transfer – EM/EMS \$49,000; and, deletion of Item 8 – Fox Trapping Legislation. Mr. Tunnell seconded the motion. The motion passed on the following vote:

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

Consideration of Minutes:

Chairwoman Spencer asked for approval of meeting minutes.

Commissioner Styron moved to approve the amended June 20, 2011 Commissioners regular meeting minutes with correction on page 7 – line 29 stating *tax rate from 2% to ~~1.5%~~ 1%*. 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 the May 21, 2012 regular meeting minutes as presented by the Clerk. Mr. Swindell seconded the motion. The motion passed on the following vote:

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

Public Comments:

Chairwoman Spencer called for comments from the public.

John Fletcher, Ocracoke – stated that public comment time should remain at the start of meetings, not at the end.

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

Public Hearing:

FY2012-2013 Rural Operating Assistance Program

Commissioner Swindell moved to open public hearing on the FY2012-13 Rural Operating Assistance Program (ROAP) Grant. Mr. Tunnell seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell

Nays – None

Hyde County Transit Director Beverly Paul conducted public hearing on the FY2012-13 ROAP Grant resolution and allocations. Ms. Paul reported that the ROAP grant is an annual public transportation grant from the NCDOT Public Transportation Division and presented recommendations for sub-allocation of funds.

There being no comments from the public, Commissioner Swindell moved to close public hearing on the FY2012-13 ROAP Grant. Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell

Nays – None

Commissioner Swindell moved to adopt Resolution “Certified Statement FY2013 Rural Operating Assistance Program – County of Hyde”. Ms. Styron seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell

Nays – None

Clerk’s Note: A copy of “Certified Statement FY 2013 Rural Operating Assistance Program – County of Hyde” is attached herewith as Exhibit A and incorporated herein by reference.

Items of Consideration:

Swearing In of Deputy Tax Administrator

Manager Smith reported that as per Board action taken on May 21, 2012, Sue Gurganus is the Deputy Tax Administrator for Hyde County. Ms. Smith administered the Oath of Office to Ms. Gurganus.

Authority to Reconcile Departmental Budgets

Manager Smith reported that budget revisions will need to be approved by the County Manager, in accordance with the FY2011-2012 Budget Ordinance, to reconcile department accounts prior to year-end closeout. Commissioner approval will authorize the County Manager to transfer appropriations within a fund as contained herein under the following conditions:

- She may transfer amounts between objects of expenditure within a department except salary amounts, without limitations
- She may transfer amounts up to \$10,000 between departments of the same fund with an official report of such transfers to be made available for approval at the next meeting of the Board
- She may not transfer any amounts between funds nor from contingency within any fund
- She will assign legal costs to departments based on the legal issue for which the costs were created

After discussion, Commissioner Tunnell moved to authorize the County Manager to reconcile departmental budgets for year-end closeout. Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell

Nays – None

Technical Service and Grant Administration Contract

Kris Noble, Grants Administrator, presented “Technical Service and Grant Administration Contract” between the Eastern Carolina Council (ECC) and Hyde County and stated that the

ECC will provide administrative and planning services for the CDBG-NC Tomorrow Grant on behalf of Hyde County for a total award amount of \$50,000. Formal procurement is not required for the contract considering the ECC is a Council of Government. Hyde County will bill the ECC for all grant related activities including time and mileage and will receive that portion of these funds as revenue.

Commissioner Swindell moved to authorize the Board Chair to sign Technical Service and Grant Administration Contract between Eastern Carolina Council and Hyde County with revisions on page 1 – No. 4 – Compensation and Method of Payment – *For financial planning purposes, the estimated maximum cost of this contract is \$5,000 for the administration and \$45,000 for the planning of the CDBG NC Tomorrow grant funds. ~~If circumstances beyond the Council's control should cause the total cost of completing the scope of services to exceed \$5,000 for administration and \$45,000 for planning, then the County and the Council will negotiate a mutually acceptable revised maximum cost.~~* and, to sign letter to Vickie Miller, NC Department of Commerce, Community Investment and Assistance Branch. Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell

Nays – None

Approval of Revolving Loan Fund Recommendation

Alice Keeney, County Planner/Developer, reported that Christopher Williams, President of Williams Markets Inc. is requesting a \$120,000.00 term loan to purchase Laundromat equipment and renovate property to install a Laundromat in the Red & White Building located at 25 Lazy Lane in Engelhard. After thorough and lengthy review of the collateral package, financial statements, owner's capital injection, cash flow and prior credit history with the borrower, the Hyde County Revolving Loan Fund Committee approved a \$120,000.00 term loan to Christopher Williams with an interest rate of 5% fixed with a twelve (12) year amortization to purchase Laundromat equipment and to renovate 504 square feet of unused space in the storefront adjacent of the grocery store. While the loan has a 12 year amortization, the loan will have call dates every three years, beginning August 25, 2014. The loan will be secured by a first deed of trust on Williams Market's Inc.'s new garden center, a first lien on all business assets of the garden center, and a first lien on all equipment in the Laundromat. Christopher William's existing loan will remain secured by the existing collateral, which is cross-collateralized and cross-defaulted with ECB. The first call date will coincide with the maturity date of Mr. Williams' existing loan, which has a 20 year amortization and scheduled maturity date of August 25, 2014. Thereafter, call dates will occur every 3 years until the loan is paid in full.

Commissioner Byrd moved to approve a \$120,000.00 term loan to Christopher Williams to purchase Laundromat equipment and to renovate property at 25 Lazy Lane to install a Laundromat. Mr. Tunnell seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell

Nays – None

Extension of Letter of Credit for Twiddy Subdivision

Alice Keeney, County Planner/Developer, reported that on June 6, 2011, the Board approved an extension of the installation of the road to their subdivision known as "Ballance Acres Subdivision", which consists of 3.66 acres of property which has been subdivided into six lots, all meeting the 20,000 square foot minimum lot size requirement. According to the Hyde County Subdivision Ordinance, Hyde County will allow an irrevocable letter of credit, in a form approved by the county attorney, issued by a bank or another lending institution to ensure the installation of the required improvements. The improvements thus guaranteed shall be installed by the developer within three years of the posting (or in this case the renewal) of the letter of credit with the possibility of reasonable extensions in Board's discretion. Because the renewal was approved last year, but the letter of credit supporting the renewal has an expiration date of June 12, 2012, Mr. and Mrs. Twiddy are requesting a two year extension on the construction of the road. Mr. & Mrs. Twiddy will be securing completion of the road by a Letter of Credit in the

amount of \$45,651.25, which is 1.25 x's the engineer's sealed estimate. The term of the extension must coincide with the expiration date of the letter of credit.

Commissioner Swindell moved to approve an extension of the installation of the road, provided that Mr. & Mrs. Twiddy secure the installation of the road with a letter of credit in the amount of \$45,651.25 contingent upon County Attorney's review and approval of the letter of credit; and, directed that before any lot sale is closed the entire road shall be in place. Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell

Nays – None

Solid Waste Grant

Manager Smith reported that the North Carolina Division of Environmental Assistance and Outreach has decided to award Hyde County a "2012 Community Waste Reduction and Recycling Grant" in the amount of \$45,000 in state funding with a local match of \$10,290. Target start date is July 1, 2012 and end date is June 30, 2013.

Commissioner Swindell moved to accept the NCDENR Community Waste Reduction and Recycling Grant and to approve the County Manager to execute the contract when received. Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell

Nays – None

Water Rate Increase

Manager Smith presented the Hyde County Water System Rules and Regulations. Ms. Smith reported that a minimal rate increase is needed to cover water system expenses in the next fiscal year's budget.

Commissioner Styron moved to approve the proposed water rate increase as prepared by Utilities Director Clint Berry. Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell

Nays – None

Resolution In Support of Senate Bill 433

Manager Smith reported that in accordance with the legislative agenda of the NCACC, local counties are being asked to indicate their support of pending legislation that would allow counties to create departments of Human Services as opposed to separate departments of Social Services and Health. Counties will have the option to create Human Services departments but do not have to use it.

Commissioner Swindell moved to adopt "Resolution In Support of Senate Bill 433". Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell

Nays – None

Clerk's Note: A copy of "Resolution In Support of Senate Bill 433" is attached herewith as Exhibit B and incorporated herein by reference.

Policy Governing The Use of The County Commissioners Meeting Room

Manager Smith reported that the county is currently bearing the costs of providing custodial and security services for meetings held in the multi-purpose room, particularly outside of normal operating hours. The county is also bearing the costs of providing personnel to operate teleconferencing equipment. With limited staff available to provide such services, as well as limited funds for overtime, the county needs to recoup some of the cost of providing this meeting space and technical support services. Fees shall not be charged to departments of County government or their affiliate groups, but may include state or federal agency users, private individuals, or those groups conducting business not pertinent to the operation of County

clerical position and one part-time Public Information Officer position (PIO). He stated that it is his understanding that Kris Noble, Grants Administrator, would be reclassified and assume the new position.

Corrinne Gibbs, Finance Officer and former Human Resources Administrator, when asked to comment on employment guidelines, notified the Board that employment law mandates that the position must be advertised because Mrs. Keeney is retiring.

Commissioner Swindell also asked for clarification of the Sheriff Department overtime for Barbara Deese, Administrative Deputy.

Chairwoman Spencer stated that Sheriff Mason will need to amend the department's budget to pay for overtime accrued by Ms. Deese in the coming year.

Commissioner Styron stated that non-exempt employees who work overtime hours will be paid.

After discussion, Commissioner Byrd moved to approve the FY2012-2013 Hyde County Budget Ordinance. Mr. Swindell seconded the motion. The motion passed on the following vote:

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

Clerk's Note: A copy of "FY2012-2013 Hyde County Budget Ordinance" is attached herewith as Exhibit D and incorporated herein by reference.

Hyde County Fiscal Year 2012-2013 Budget Resolution

Manager Smith presented the FY2012-2013 Hyde County Budget Resolution.

Chairwoman Spencer read the Board of Commissioner's goals regarding items contained within the FY2012-2013 Hyde County Budget:

- The County Commissioners shall continue to make economic development, community development and tourism that creates quality job opportunities and increases the tax base and a very high priority.
- The County Commissioners shall continue to support the expansion of infrastructure services to the citizens of the County, in particular access to broadband services, water and sewer services, with proof of success to be documented by County staff in an annual report, supported by statistical data.
- The County Commissioners shall continue to expect a high level of customer service in all interactions with County government, and to promote transparency in government operations through the effective use of public information.

After discussion, Commissioner Byrd moved to approve the FY2012-2013 Hyde County Budget Resolution. Mr. Swindell seconded the motion. The motion passed on the following vote:

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

Clerk's Note: A copy of "FY2012-2013 Hyde County Budget Resolution" is attached herewith as Exhibit E and incorporated herein by reference.

QZAB Bond Payment – NC Education Lottery Funds

Commissioner Swindell moved to approve "Application – Public School Building Capital Fund North Carolina Education Lottery" for QZAB Bond Payment in the amount of \$55,965.00. Mr. Byrd seconded the motion. The motion passed on the following vote:

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

Budget Transfer – EM/EMS

Justin Gibbs, Emergency Manager, requested transfer of funds for the purchase of a vehicle for the Deputy Emergency Services Director and to cover expenses for the remainder of the fiscal year in the amount of \$49,000.00. Mr. Gibbs reported that ES Director Brian Carter is transporting victims from the beach to the ambulance in his personal vehicle. The new Expedition can be purchased on State contract for \$29,000.00.

Brian Carter, ES Director reported that the National Park Service is not equipped or trained to transport patients on back boards.

Manager Smith reported that the Ocracoke Occupancy Tax Board had pledged but revoked \$17,000 for the vehicle.

Fred Holscher, County Attorney, expressed concerns about liability when using personal vehicles to transport patients.

Commissioner Byrd stated that the vehicle should be used for county business only.

Commissioner Tunnell moved to hold over discussion about purchasing a new off-road vehicle until the next regularly scheduled Board meeting. The motion died for lack of a second.

After discussion, Commissioner Byrd moved to approve transfer of \$49,000.00 contingent upon designating the new off-road vehicle to be used only for EMS rescue on the beach and fire inspections on Ocracoke. The vehicle is to stay on Ocracoke Island. Brian Carter will conduct fire inspections on the Island and Jerry Hardison will conduct fire inspections on the mainland. Ms. Styron seconded the motion. The motion passed on the following vote:

Ayes –Byrd, Spencer, Styron and Swindell Nays – None Commissioner Tunnell abstained.

County Commissioners Reports:

Commissioner Styron – reported that she attended the Ocracoke annual Memorial Day event; Ocracoke Festival was successful; and the Ocracoke 4th of July event schedule is finalized.

Commissioner Byrd – reported to FEMA Correspondent Bob Moore about funds owed to Hyde County. He recommended sending letters to Walter B. Jones requesting payment.

Commissioner Tunnell – reported that he attended Legislative Day in Raleigh on May 30 with approximately 260 fellow commissioners from across the State where he and Chairwoman Spencer met with Senator Stan White and Representative Tim Spear. He stated that the Ferry Toll issue is on hold until next July; he attended the Ocracoke festival and that the Sheriff's Department provided good security for the event; and, solid waste services on Ocracoke are good.

Commissioner Swindell – asked Finance Officer Corrinne Gibbs if the FEMA check is in the mail. Ms. Gibbs reported that Mr. Joe Stanton will be sending \$2.2 million this week. He reported that he attended the Hyde Transit Board meeting and commended Beverly Paul and her staff for a job well done. Mr. Swindell also reported 14 inches of rain in the Sladesville area during Tropical Storm Beryl.

Commissioner Spencer – reported that she attended Legislative Day along with Commissioner Tunnell; the Fireman's Ball on Ocracoke; and, an Emergency Management meeting at the Vernon James Center last week. Ms. Spencer reported that Senate Leader Berger reported Reinvestment Act funds taken away from counties will be picked up by the State.

County Manager's Report:

Manager Smith presented "Visit Hyde County" brochures designed by Mrs. Sherry Harris' Mattamuskeet Elementary second grade class. The students presented Ms. Smith with brochures they had made and toured the Government Center. Ms. Smith attended the Transportation Committee meeting on May 23 where roads and bridges were discussed; and, the Cooperative Extension meeting last Thursday in Tarboro. She also reported that the Emergency Operation Center (EOC) was partially activated on Wednesday due to Tropical Storm Beryl. This was a very successful training event for staff. Ms. Smith read letters of commendation for county employees Bill Hocutt, Walt Calley, Dennis Lanasa and Justin Gibbs; and, DSS self-assessment commendation for the Hyde County food stamp program.

Ms. Smith invited everyone to attend the June 13 Ribbon Cutting Ceremony at Engelhard Marine Industrial Park and a floating reception for Planner/Developer Alice Keeney on May 18 from 3:00-6:00 p.m. at the Government Center.

Public Comments:

Chairwoman Spencer called for comments from the public.

Thomas Whitaker, Retired Forest Ranger from Fairfield – reported that he attended BCCC graduation at Washington High School where Maurita Harris and Maggie Anderson received both High School Graduation Diploma and Associate Degrees. Mr. Whitaker asked that we put children first on our agenda.

John Fletcher, Ocracoke – expressed his concerns about funding the EMS vehicle; collecting notary fees and problems amongst staff members.

Commissioner Byrd moved to adjourn the meeting. Mr. Swindell seconded the meeting. No vote was taken. The motion was dismissed and the meeting continued.

Closed Session

Commissioner Styron moved to enter into closed session. Mr. Byrd seconded the motion. The motion passed on the following vote:

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

Commissioner Swindell moved to return from closed session. Mr. Byrd seconded the motion. The motion passed on the following vote:

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

Supplemental Information:

Department Reports

Senior Center
Tax Department

Meeting Calendar

June, 2012

06-18-2012 Retirement Reception for Alice Keeney – 4:00-6:00p.m.
Board of Commissioners Meeting – 6:00p.m.

July, 2012

07-02-2012 Board of Commissioners Meeting – 6:00p.m.
07-04-2012 Independence Day (county offices closed)
07-16-2012 Board of Commissioners Meeting – 6:00p.m.

Employment Anniversaries

June, 2012

06-01-2012 Margie Keech, Health Department – 6 years
Randy Spruill, Water Department – 1 year
06-12-2012 Ricky Clayton, Solid Waste – 11 years
06-23-2012 James Blount, Solid Waste – 4 years

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

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell

Nays – None

The meeting adjourned at 8:35 P.M.

Respectfully submitted:

Minutes approved on the 18th day of June, 2012.

Lois Stotesberry, Deputy Clerk
Hyde County Board of Commissioners

SEAL

Sharon Spencer, Chair
Hyde County Board of Commissioners

Attachments:

- Exhibit A: *“Certified Statement FY 2013 Rural Operating Assistance Program – County of Hyde”*
- Exhibit B: *“Resolution In Support of Senate Bill 433”*
- Exhibit C: *“Amendment of Occupancy Tax Ordinance No. 31”*
- Exhibit D: *“FY2012-2013 Hyde County Budget Ordinance”*
- Exhibit E: *“FY2012-2013 Hyde County Budget Resolution”*