

Minutes

**Board of County Commissioners
Hyde County**

April 6, 2009

Chairman Tom Davis called the Regular meeting of the Hyde County Board of Commissioners to order at 7:00 PM on Monday, March 16, 2009 in the Hyde County Government Center, Multi-Use Room and the Ocracoke School Commons Area using electronic conferencing equipment. The following members were present on the mainland: Commissioners Anson Byrd, Tom Davis, Sharon Spencer, and Barry Swindell; County Manager Carl Classen; County Attorney Sid Hassell; Clerk to the Board Lois Stotesberry; and members of the public. The following members were present on Ocracoke: Commissioner Ballance, Administrative Assistant Jamie Tunnell; and members of the public.

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

After discussing rules to follow when conducting simultaneous electronic meetings and hearing no objection, Commissioner Davis appointed Jamie Tunnell as Deputy Clerk to the Board.

Agenda:

Chairman Davis asked for any changes to the April 6, 2009 meeting Agenda as presented by the Clerk. Commissioner Swindell moved to add Item IV. A. – Resolution 2009-04-01 – Golden LEAF Foundation Funding; Item IV. B. i. – Ocracoke Dumpster Service; Item VI. E. – Ocracoke County Government Building – Bid Tabs; Item VI. F. – Swan Quarter Watershed Phase VII – Bid Tabs; and Item VI. G. – Legislation – Building Permits – Tax Delinquencies. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

Consideration of Minutes:

Chairman Davis asked for approval of meeting minutes.

Commissioner Spencer moved to approve the March 16, 2009 meeting minutes with an insertion on page 2, line 45 - 47 stating *the reason Mr. Franklin Swindell was disputing the new EMS Station was due to the cost of fuel and additional length of time for ambulances backtracking*. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

Public Comments:

Chairman Davis called for comments from the public.

Fred Westervelt, Ocracoke, asked that the Agenda format be changed to move Item II. A. -- Public Comment to the end of the meeting agenda and allow more time for public comments. Mr. Westervelt also stated Pay-As-You-Throw (PAYT) will not serve Ocracoke or its vacationing public well.

John Fletcher, Ocracoke, recommends the Board put all solid waste fees in the standard tax levy in the County.

Susan Paul, Ocracoke, accompanied by her husband, James Paul, stated the PAYT Petition recently circulated on Ocracoke Island was signed by many unhappy tax payers (> 250). Mrs. Paul also stated that the announcement that Ocracoke had been named the top beach in America will be good for Hyde County's economy.

Jack Whitehead, Ocracoke Island Realty, represented Ocracoke property owners who were not on the Island to sign the petition and who reportedly prefer a yearly trash fee over PAYT.

Franklin Swindell, Engelhard, stated the public has told the County they want to go back to solid waste drop points with full-time attendants. Mr. Swindell also stated that it is not right to post an Agenda sheet then allow the manager to add issues, and the Board vote/approve without citizens seeing the item first. Mr. Swindell wants all issues voted on one month after being presented, thus allowing research and discussion with commissioners.

James Arnold, Plymouth, is a property owner on Ocracoke. Mr. Arnold reported the Swan Quarter to Ocracoke Ferry Schedule has been cut 50% and per Ferry Division statistics, travel to Ocracoke Island is down 12.5% to date. Mr. Arnold asked the Board to contact NCDOT Ferry Division to request the 2008 Ferry Schedule be reinstated.

Commissioner Davis stated he agrees and asked that all citizens who want the ferry schedule reinstated write to Governor Beverly Perdue, Senator Marc Basnight, and Representative Tim Spear.

Barbara Jean Gibbs, Engelhard, asked why the Commissioners are building another building that the County cannot afford. Mrs. Gibbs asked why EMS billing is less than in the past. Mrs. Gibbs stated taxpayers do not want the new EMS building and that the Board should do what is best for all. Mrs. Gibbs informed the Board of Commissioners that the citizen's only recourse is to vote the commissioners out when their terms end.

Franklin Swindell, Engelhard, stated that the room was filled with EMT's at the last Commissioners meeting and asked where the EMT's are tonight, and stated something looks strange.

There being no further public comment, Chairman Davis continued the meeting.

Ordinances and Resolutions:

Resolution 2009-04-01 – Golden LEAF Foundation Funding

A Resolution supporting continued funding for the Golden LEAF Foundation was presented due to an effort in the 2009 General Assembly Session by supporters of community colleges to divert substantial Golden Leaf funding from rural communities to the community colleges. Although community colleges provide an important role in the State, so do rural communities and Golden LEAF is one of a few sources of substantial capital available for small community projects. Other proposals include diverting funds from Golden LEAF to help cover the present budget shortfall.

The Golden Leaf Foundation was awarded a substantial part of the State's tobacco settlement and it allocates interest earnings from the Fund for community projects to help rural economies, especially those economies hardest hit by changes in the tobacco industry.

Recently, Hyde County was awarded \$2 million in community projects – ranging from the Ocracoke Fish House to the Mattamuskeet Lodge Sewer Project and the Engelhard Seafood Industrial Park. Golden LEAF funding will be critical as Hyde County seeks funding for future community projects.

Commissioner Byrd moved to approve Res2009-04-01 – Golden LEAF Foundation Funding and to direct the clerk to send copies to the Hyde County legislative delegation. Ms. Spencer seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

CLERK'S NOTE: A copy of "Res 2009-04-01 – A Resolution of Hyde County Board of Commissioners Regarding Funding for the Golden LEAF Foundation" is attached herewith as Exhibit A and incorporated herein by reference.

Appointments:

Central Communications Advisory Group

Mr. Justin Myers, who was representing Emergency Medical Services on the Central Communications Advisory Group has asked to be relieved of this duty because of family

matters. David Warren, Emergency Services Director, has recommended Crystal Edgar, Administrative Assistant/EMT-B to replace Justin Myers. Commissioner Swindell noted Ms. Edgar is secretary to the Group

Commissioner Swindell moved to appoint Ms. Crystal Edgar to serve on the Central Communications Advisory Group representing Emergency Medical Services and to continue as clerk. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

Other Matters:

Budget Revisions and Transfers

County Manager Carl Classen reported to the Board that in accordance with the FY2007-08 Budget Ordinance several budget transfers were made administratively and he requested approval of the following:

A. Budget Amendment – Health Department – General Supplies

Health Director Wesley Smith has requested transfer of \$1,000.00 to cover the purchase of materials to promote Physical Activity and Nutrition within the County.

Commissioner Swindell moved to authorize the Health Department budget transfer of \$1,000.00. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

B. Budget Amendment – Sheriff's Department – Purchase Vehicle

Sheriff David Mason has requested transfer of \$16,000.00 to cover purchase of a new vehicle to replace wrecked Durango.

County Manager Carl Classen stated that insurance proceeds will likely cover all or part of this transfer.

Commissioner Swindell moved to authorize the Sheriff's Department budget transfer of \$16,000.00. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

C. Budget Amendment – Emergency Management – Travel Related Expenses

Emergency Services Director David Warren has requested transfer of \$10,000.00 to cover part time services for Fire Marshal.

County Manager Carl Classen stated that full time funds will be transferred to part time with no change overall to the budget.

Commissioner Swindell moved to authorize the Emergency Management budget transfer of \$10,000.00. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

D. Budget Amendment – Code Enforcement – Part Time Contract

Emergency Services Director David Warren has requested transfer of \$5,000.00 to cover part time contract services for building inspections.

Commissioner Swindell moved to authorize the Emergency Management budget transfer of \$5,000.00. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

Solid Waste Collection Service

As requested at the February 16 Commissioners meeting, the Board placed an item on the April 6 agenda regarding collection of trash services, including discussing the option of performing solid waste collection in-house. Clint Berry, Utilities Director, presented a review of existing solid waste collection processes and possible alternatives.

A February 3, 2009 memo regarding a meeting to discuss changes to the method of collecting solid waste was noticed in accordance with State law. As stated in the memo, if the County desires to change from a private provider to an option that includes providing all or a part of the collection process in-house, such decision must be made prior to October 6, 2009 so as to coincide with the initial three-year period of the contract with David's Trash Service.

Clint Berry, Utilities Superintendent, gave a review of the total amount of solid waste created in Hyde County and broke it out between the mainland and Ocracoke. He also showed the haul costs and the curbside collection costs in a similar breakdown. Mr. Berry then reviewed several options, including a preliminary cost estimate for in-house solid waste hauling. Commissioners asked numerous questions. Based upon the questions asked and hearing no objection, Chairman Davis requested staff to generate estimates for the May 4 meeting related to providing five convenience sites on the mainland, providing curbside collection on the mainland, providing curbside collection on Ocracoke, and expanding Ocracoke convenience site hours to include more morning or evening hours.

After discussion, the next meeting to discuss this matter was scheduled for May 4, 2009 so as to allow staff time to prepare.

Leslie Lanier, Ocracoke, stated the dump hours are not convenient on Ocracoke.

James Arnold, Plymouth, stated less modern conveniences equal less charge.

Ursula Hayes, Engelhard, stated some citizens who don't drive need curbside pickup.

Ocracoke Dumpster Service Proposal

Based upon a number of comments received over the past several weeks and follow-up on discussions with business people and County staff, County Manager Carl Classen recommended a proposal regarding dumpsters on Ocracoke.

Utilities Director Clint Berry reported that Solid Waste staff has been told that few businesses are using tags or bags in their dumpster and intermittent visual accounts by staff confirm these comments. Staff has spoken with several businesses about going to a dumpster fee and has heard general support. Based upon haul costs off Ocracoke and the tipping fee, the total cost per ton for solid waste removal from Ocracoke is over \$300/ton. Based upon visual estimates, the average amount of MSW per 4 cubic yard container (the only size used on Ocracoke) is about one-half to one ton.

Mr. Classen suggest charging dumpster owners a monthly fee of \$500 for once per week tipping plus \$115/tip if an additional tip is needed. There would be no charge in months where a dumpster is flipped over and is not in service.

For those businesses wanting a locking dumpster, they could be purchased through the County but would be owned by the business. The locks would be coordinated by the County so there is a single key for all locked dumpsters.

Susan Paul, Ocracoke Community Store owner asked why should a business who's dumpster is open for public use be charged.

Bob Hayes, Engelhard Hotel owner said he only pays \$114/month for the hotel's dumpster to be emptied.

Franklin Swindell, Engelhard, recommends going back to solid waste drop points. Mr. Swindell asked that a letter be sent to all households asking what they will be willing to pay for door-to-door pick up so that all could have service.

No action was taken on the County Manager's proposal.

ORV RegNeg Support

David Scott Esham, who with Commissioner Ballance, represented Hyde County on the recently-completed Negotiated Rulemaking process (RegNeg) regarding off-road vehicle (ORV) use in the Cape Hatteras Seashore, has asked Hyde County to participate jointly with the Ocracoke Civic and Business Association (OCBA) in paying \$600 (\$300 each) towards preparation of an addendum to the Final Report of the ORV RegNeg proceedings. The addendum, which is being sponsored by the Dare County, Hatteras Island village civic groups, and beach user groups, makes suggestions to the National Park Service for a consensus ORV management plan. The County Manager has reviewed several drafts of the addendum. The document is professionally prepared and is in general accordance with suggestions made by the OCBA.

Commissioner Ballance moved to approve payment of \$300 in support of the addendum to the Final Report of the ORV RegNeg proceedings and authorize the County Manager to execute such budget amendment as may be necessary in support of this action. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

Beaufort-Hyde News – Advertising Request

The County received a request for advertising from the *Beaufort-Hyde News*.

No action was taken.

Ocracoke County Government Building – Bid Tab

Below are the bids received by the April 6, 2009 deadline for re-siding the County Building on Ocracoke:

RCI Custom Construction, Inc	\$17,649.50
Thomas Pahl dba Landmark Building & Design	\$18,900.00
Woody Billings	\$21,400.00
Ihle Construction, Inc.	\$21,510.00
Thomas Fearing	\$25,000.00
Sampson and Company, Inc dba Sampson Marine Construction	\$28,910.00

The FY2008-09 budget for this work was \$20,000.

The County Manager is working with the Sheriff and Finance Officer to locate an additional \$2,500 in the current budget to also make selected interior improvements that would allow the Ocracoke Solid Waste employees to use the bathroom in the building (and thus allow for removal of the monthly port-a-john costs), provide better workspace for the four deputies working on Ocracoke, and improve ventilation for the evidence closet.

Commissioner Byrd moved to approve ranking of the bids as presented and to authorize the County Manager to negotiate a contract with the lowest bidder (RCI Custom Construction) and, if unsuccessful, authorize negotiations with the second lowest bidder (Thomas Pahl); and to authorize the County Manager to execute contract for completion of the work. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

Swan Quarter Watershed Phase XII Bid Tabs

Below are the bids received by the March 31, 2009 deadline for the Swan Quarter Watershed Project Phase XII:

T. A. Loving Company	\$3,423,402.36
Trader Construction	\$3,634,272.60
Carolina Bridge	\$3,892,917.04
Intercoastal Diving	\$3,852,923.65

The apparent low bidder was T. A. Loving, Co. (\$3,432,402.36), however, the bid exceeds grant funds available from NRCS for this phase of the project. NRCS has budgeted \$2,500,000.00 for Phase XII.

Commissioner Swindell moved to authorize the County Manager/Contracting Officer to negotiate with the low responsible bidder. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

Legislation – Building Permits – Tax Delinquencies

Staff learned of House Bill 103, which expands the list of counties authorized to collect taxes prior to issuance of a building permit. This local bill has already passed the House and Rep. Spear has suggested that, if Hyde County wishes to be added to the list of counties, it contact Senator Basnight's office.

Commissioner Byrd moved to contact Senator Basnight's office in support of adding Hyde County to the list of counties authorized to collect delinquent property taxes prior to the issuance of a building permit. Mr. Davis seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

County Commissioners Reports:

Commissioner Swindell attended the Central Communications Advisory Group meeting. Mr. Swindell reported that Sheriff Mason attended for Barbara Deese and that the Group was sorry to see Justin Myers leaving. Mr. Swindell also reported the Health Department has received funding and will have a negative request for budget and that lighting for the Swan Quarter and Engelhard walking paths has been funded.

Commissioner Ballance stated the Ocracoke Fish House is near buying fish. Mr. Ballance thanks Golden LEAF for funding the project. Mr. Ballance stated the electronic meeting had gone better than expected.

Commissioner Byrd reported he attended the March 23 – 27, 2009 Essentials of County Government school in New Bern and learned a wealth of knowledge.

Commissioner Spencer reported she also attended the Essentials of County Government school in New Bern and found it to be very informative. Mrs. Spencer also attended the Albemarle Commission meeting and hopes to bring programs to Hyde County. Mrs. Spencer reported the Engelhard Town Hall meeting last week went very well. Mrs. Spencer thanked Emergency Services Director David Warren and Maintenance Director Kerry Campbell who fixed the stairs issue.

Commissioner Davis reported the Engelhard Town Hall meeting was done well.

No other Board or Committee reports were offered so Chairman Davis continued with the Agenda.

County Manager's Report:

Project Reports

County Manager Carl Classen gave updates on the financial status of the County, and he reported Electronic Meetings in Swan Quarter and on Ocracoke will continue to improve as more staff is trained to use the equipment; Mattamuskeet EMS Station Project site work is underway, building is ordered, and completion expected the week of June 22; Swan Quarter Dike Project; Engelhard Water Treatment Plant; Mattamuskeet Lodge Sewer Project stimulus funding applied for; Swan Quarter Park Project is moving forward; Ocracoke Convenience Site property survey showed the building on the north side is over the property line while the fence on the south side is off the property line; Ocracoke NPS Boat Ramp project updates will be reported on by Wildlife Resources Commissioner (WRC) representative; Ocracoke Civic and Business Association – Noise Ordinance Committee update; and 26 people have registered and are attending the First Responder Class taught by Emergency Services Director David Warren.

County Manager Carl Classen reported the EMS Building Project Ordinance is for \$285,000.00 minus contract cost of \$268,151.00 with the balance available for contingency.

Commissioner Sharon Spencer recommended the Public Safety Center Mold Remediation Project move along quickly. County Manager Carl Classen reported the EI Group will arrive on Wednesday, April 8, 2009 to evaluate the building to solicit price quotes for remediation.

Public Comment

Barbara Jean Gibbs, Engelhard, stated the Ocracoke petition had > 200 signatures but nothing was done about Solid Waste on Ocracoke.

Recess

Chairman Davis recessed the meeting at 8:55 PM. Chairman Davis called the meeting back to order at 9:00 PM.

Closed Session:

Mr. Swindell moved to enter Closed Session in accordance with NCGS §143A-318.11(a)(6) to discuss personnel matters. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes Ballance, Byrd, Davis, Spencer, and Swindell; Nays – None; Absent or Not Voting – None.

The Commissioners entered closed session at 9:01 P.M.

Commissioner Byrd moved to return from Closed Session. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, Spencer, and Swindell; Nays – None; Absent or Not Voting – None.

The Commissioners re-entered regular session at 10:15 P.M.

There being no further matters to come before the Commissioners, Mr. Swindell moved to adjourn the meeting. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, Spencer, and Swindell; Nays – None; Absent or Not Voting – None.

The meeting adjourned at 10:17 PM.

Respectfully submitted:

Minutes approved on the _____ day of _____, 2009.

Lois Stotesberry, Clerk - Hyde County Board of Commissioners

Tom Davis, Chairman - Hyde County Board of Commissioners

Attachments:

*Exhibit A – “Res 2009-04-01 – A Resolution of Hyde County Board of Commissioners
Regarding Funding for The Golden LEAF Foundation”*