

Minutes

Board of County Commissioners Hyde County

April 7, 2008

Chairman Charles Spencer called the Regular meeting of the Hyde County Board of Commissioners to order at 7:00 PM on Monday, April 7, 2008 in the Multi-Use Room in the Government Center, Swan Quarter, NC. The following members were present: Alice Armstrong, Gene Ballance, Tom Davis, Barry Swindell, and Charles Spencer. Also present were Interim County Manager, Carl Classen; County Attorney, Sid Hassell; Clerk to the Board, Lois Stotesberry; and members of the public.

Following a pledge of allegiance to the flag and opening prayer by Mr. Ballance, the meeting was called to order.

Agenda:

Chairman Spencer asked for any changes to the April 7, 2008, 7:00 PM meeting Agenda as presented by the Clerk. Commissioner Davis moved to accept the Agenda as presented by the Clerk with the addition of I.E. Consideration of Minutes - April 1, 2008 Special Meeting; cancellation of II.C.i. Special Presentation – American Red Cross in Hyde County; addition of III.B. Engelhard Baptist Church, C. Soil and Water Conservation – Take Over Dike Maintenance, and D. Project Ordinance – Mattamuskeet Lodge Sewer Project; and V.M. Approval of Subdivision for Garry L. Miller. Mr. Davis seconded the motion. The motion passed on the following vote: Ayes – Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – Armstrong.

Consideration of Minutes:

Chairman Spencer asked for approval of meeting minutes.

Commissioner Davis moved to re-approve the February 4, 2008 meeting minutes as amended. Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.

Commissioner Swindell moved to approve the March 3, 2008 regular and special meeting minutes as presented. Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.

Commissioner Davis moved to approve the March 17, 2008 meeting minutes as amended. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.

Commissioner Swindell moved to approve the April 1, 2008 meeting minutes as presented. Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.

Public Comment:

Chairman Spencer called for comments from the public.

Arthur Graff, Scranton, stated that the meeting minutes need to be current on the County website and that he has seen no action to date on the Interim County Manager position.

Public Hearing:

Commissioner Davis moved to open public hearing on the Hyde County Hazard Mitigation Plan. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.

Kris Noble, Part-time Administrative Assistant, presented an overview and update of the Hyde County Hazard Mitigation Plan. A second hearing to gather public input on the completed draft Plan will be conducted during the May 5, 2008 Commissioners meeting in the Multi-Use Room of the Government Center at 7:00 PM and during the May 19, 2008 Commissioners meeting at the Community Center on Ocracoke.

Hearing no further comments from the public, Commissioner Davis moved to close public hearing. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.

Special Presentation:

Chairman of the Hyde County Mainland Occupancy Tax Board Mark Carawan presented meeting minutes from the Occupancy Tax Board's March 28, 2008 meeting.

Commissioner Davis moved to accept Charles Green's resignation from the Board and to appoint Lorenza Farrow to fill the vacant seat. Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.

In accordance with the Occupancy Tax Board's recommendations, Commissioner Swindell moved to approve requests from 1) Carolyn Williford, Hyde County Chamber of Commerce for \$5,000 to purchase brochures for the County, 2) Jane Gibbs, Engelhard Development Corporation for \$2000 for the Seafood Festival fund, 3) Mattamuskeet Refuge for \$8,130 for the Fisher Slough Boardwalk/Trail Project, and 4) Port-A-John, Inc. for the purchase of the already existing port-a-john located on Mattamuskeet Lake Road. He further moved that the corresponding amendments to the FY2007-08 budget ordinance be approved. Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none. Commissioner Davis voted nay to purchasing the port-a-john.

Ordinances and Resolutions:

Animal Control: After presentation by the County Attorney, Commissioner Davis moved to adopt a "Resolution to Amend Animal Control Ordinance" to designate the Health Director to determine when a dog is a "potentially dangerous dog" and the Hyde County Board of Health to hear appeals from such determinations. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.

Commissioner Swindell moved to approve an Ordinance to Amend the Hyde County Animal Control Ordinance to make minor corrections to Section 6. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.

CLERK'S NOTE: A copy of the "Resolution to Amend Animal Control Ordinance" as approved is attached herewith as Exhibit A and incorporated herein by reference.

Engelhard Baptist Church: Chairman Spencer called upon Mr. J. W. Tomlinson, a Deacon of Engelhard Baptist Church, who requested the Board adopt a Resolution of support allowing the Church able to fill a grade line ditch along US Highway 264 in front of the Church.

Commissioner Swindell moved to adopt a Resolution to Contact NCDOT to request the Church be allowed to fill a grade line ditch with tile and catch basin of approximately 250' along US Highway 264 in front of the church. Mr. Spencer seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.

Swan Quarter Dike Maintenance: Commissioner Swindell moved that Commissioner Davis and Interim County Manager Carl Classen have been appointed to meet with representatives from the Division of Soil and Water Conservation to formulate a draft agreement allowing NRCS to manage maintenance of the Swan Quarter Dike. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.

Mattamuskeet Lodge Sewer Project Ordinance: Interim County Manager Carl Classen presented a Project Ordinance in the amount of \$3,000,000 with the expectation that the ordinance will be amended to reflect State grant funds prior to the end of the fiscal year (June 30). Without approval of the Project Ordinance, it is unlikely the Sewer Project can be completed on time, thus negatively impacting the Lodge renovations and the Engelhard wastewater system. If the Mattamuskeet Sewer Project is not built, it also makes it unlikely an extension to Mattamuskeet School could be built in coming years, along with Engelhard sewer line extensions such as the Middletown Loop.

Commissioner Davis moved to adopt the Mattamuskeet Lodge Sewer Project Ordinance in the amount of \$3,000,000. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.

CLERK'S NOTE: A copy of the "Mattamuskeet Lodge Sewer Project Ordinance" as approved is attached herewith as Exhibit B and incorporated herein by reference.

Other Matters:

Outfall Canal Bridge:

Chairman Spencer reported to the Board that he had been approached by citizens requesting Outfall Canal Bridge be elevated when it is replaced as scheduled in the near future. Commissioner Davis moved to send a letter to NCDOT requesting an engineering study be performed researching the safety and monetary issues related to elevation of the bridge. Mr. Spencer seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.

Budget Revisions and Transfers:

Carl Classen, Interim County Manager reviewed with the Board budget revision/transfer requests from various departments ranging from a \$8,511 grant proposal in the Sheriff's Department to a \$12.85 change in the Health Department budget. The Budget Ordinance granted the County Manager authority to transfer funds within a department and between departments up to \$5,000, but with report to the Board. In future months, the County Manager will exercise this authority and include a report to the Board.

Commissioner Armstrong moved to approve all budget amendments and revisions and to direct the County Manager to prepare and the Chairman to execute Budget Amendment Ordinance reflecting these approved budget amendments and revisions. Commissioner Ballance seconded the motion. The motion passed upon the following vote: Ayes – Armstrong, Ballance, Swindell, Davis and Chairman Spencer; Nays – None; Absent or Not Voting - None.

CLERK'S NOTE: A Copy of the "Budget Ordinance Amendment" is attached herewith as Exhibit C and incorporated herein by reference.

Sheriff Mason has submitted a request for \$2,745 which was not budgeted in the current budget for a printer for a fingerprint machine that was purchased through a grant from the SBI for \$25,000.

Commissioner Ballance moved to approve the budget amendment and revision for \$2,745. Commissioner Spencer seconded the motion. The motion passed upon the following vote: Ayes – Armstrong, Ballance, Swindell, Davis and Chairman Spencer; Nays – None; Absent or Not Voting - None.

Fairfield Gamelands Hunting Request:

Mr. Allen Ballance, Fairfield, spoke with Commissioner Davis on March 24 regarding the deer population on his farm land. He told Mr. Davis that the North Carolina Wildlife Resources Commission allows hunting three days per week on Fairfield Gamelands during the hunting season. Mr. Ballance requested the Board send a resolution stating that the Commissioners would prefer to allow hunting there five days per week. Mr. Ballance reported that the deer off of Fairfield Gamelands eat the crops on his adjoining farm land. He hopes that additional hunting will thin the deer population.

Commissioner Davis moved to send a Resolution to the North Carolina Wildlife Resources Commission in support of allowing hunting on Fairfield Gamelands five days per week. Commissioner Spencer seconded the motion. The motion passed upon the following vote: Ayes – Armstrong, Ballance, Swindell, Davis and Chairman Spencer; Nays – None; Absent or Not Voting - None.

Mattamuskeet EMS Station:

EMS Director David Warren recommends a County-wide First Responder Program, Central Station located beside Mattamuskeet Senior Center, and one EMT-Paramedic and current EMT-I staffing for improvement of Hyde County EMS System (mainland). After discussion, Chairman Spencer stated that a public hearing will be held to receive questions and comments from the public during the April 21 Commissioners meeting at 7:00 PM in the Multi-Use Room of the Government Center.

Home Health Services on Ocracoke:

Interim Health Director Wesley Smith and Hydeland Home Care Director Rita Clayton presented the agency's strategic plan to improve home health access to the residents of Ocracoke Island. In order to furnish the residents of Ocracoke Island with home health services will require a multifaceted approach. The Agency will explore 1) contracting with Dare County Home Health to cover nursing and therapy services to the residents of Ocracoke Island on a short-term basis, 2) contact the NC Board of Nursing to secure a mailing list of RN's in the Hyde County geographic area to send mailers to advertise opportunities for employment or contracting and contact nurses who currently reside on Ocracoke Island to determine their level of interest in contracting with the Agency, 3) contact the NC Board of Physical Therapy to secure a mailing list of therapists in Hyde County geographic area to send mailers to advertise opportunities for contracting, and 4) with the assistance of a Home Health Nurse Consultant, the Agency will continue to pursue the option discussed with Mr. Warren to utilize Paramedics on Ocracoke Island to provide services. It is the Agency's position to explore all options until a working solution has been identified and put into place.

No action was taken on this item. Chairman Spencer thanked Mr. Smith and the Health Department staff for their work on this issue and looked forward to a long-term resolution.

Stormwater Rules – Lobbyist:

Beaufort County Manager Paul Spruill is coordinating an effort among less-developed northeastern North Carolina counties to come together and retain a lobbyist to help the affected counties seek changes to the new DENR Stormwater Rules that will enhance economic development in North Carolina's rural coastal counties while maintaining clean waters that support our water-based industries and our quality of life. Beaufort County has agreed to pay half of the \$60,000 cost and is asking other rural northeastern counties to pay the other half on a proportional share. Based upon the number of counties that participate, Hyde County's share would be between \$2,000 and \$5,000.

Commissioner Davis moved to join with Beaufort County and participate in effort to seek changes in the Stormwater Rules that do not inhibit growth relative to other counties; authorize the Chairman, Clerk, County Manager, and other county officials to execute the interlocal agreement; and direct the County Manager to execute a budget amendment as needed for the amount required under the interlocal agreement. Commissioner Spencer seconded the motion. The motion passed upon the following vote: Ayes – Armstrong, Ballance, Swindell, Davis and Chairman Spencer; Nays – None; Absent or Not Voting - None.

Utilization of Information Highway Rooms:

At this time, due to an early morning appointment and the long distance he must travel to return home, Commissioner Ballance asked to be excused. Mr. Ballance encouraged the Board to consider using the Information Highway Rooms at Mattamuskeet and Ocracoke School to hold Commissioners meeting in the future. Mr. Ballance believes this would encourage Ocracoke citizens to run for the Ocracoke commissioner seat on the Hyde County Board.

Hearing no objection Chairman Spencer directed Interim County Manager Carl Classen to investigate an internet based system to put in the Multi-Use Room and in the Ocracoke

Community Center to better accommodate Ocracoke citizens and to investigate other alternatives.

NCDOT Road Additions:

Chairman Spencer recommended the Board investigate cost associated with installing an all weather road with drainage for Phase II of Hacienda Heights road and Lakeview road for presentation to landowners to decide if they would pay/or not pay for the installation.

Mr. Ken Collier, who brought the Waterway Landing Road owner petition to the County Commissioners, has written NCDOT asking that their request for the roads in Waterway Subdivision come into the NCDOT system be discontinued. NCDOT has discontinued work on the request.

Commissioner Swindell moved to withdraw Resolution to NCDOT for Waterway Landing Road maintenance. Commissioner Spencer seconded the motion. The motion passed upon the following vote: Ayes – Armstrong, Swindell, Davis and Chairman Spencer; Nays – None; Absent or Not Voting - Ballance.

NCDOT Road Addition:

In accordance with Hyde County Street Addressing procedures, Joint LLC has requested that Water Fired Road be added to the Multiple Street Address Guide.

Commissioner Davis moved to approve addition of Water Fired Road to MSAG E-9-1-1, and related systems. Mr. Swindell seconded the motion. The motion passed upon the following vote: Ayes – Armstrong, Swindell, Davis and Chairman Spencer; Nays – None; Absent or Not Voting - Ballance.

Quarterly Update – CDBG-EI and CDBG-CB Grants:

The East Carolina Council of Governments is administering two CDBG grants for Hyde County. The CDBG Entrepreneurial Incubator grant (\$201,000) is upgrading facilities at the Hyde Davis Business Enterprise Center and the CDBG Capacity Building (\$75,000) is building the capacity of the Hyde County Community Development Corporation to develop and administer housing related grants. Mr. Mike Adams has been hired and will be trained to fill out housing grants for housing projects in Hyde County. The North Carolina Department of Community Assistance requires quarterly reports to the Hyde County Board of Commissioners for both of these grants. No action is required.

Release of Maintenance Bond #K07314164:

In compliance with the Hyde County Subdivision Ordinance, Greenville Timberline, LLC/National Land Partners, LLC posted a bond in the amount of \$159,652.50 on November 7, 2005 payable to the County upon default to assure installation of improvements required by the subdivision ordinance as a guaranty to assure installation of a road. The bond was released by the County of Hyde on February 5, 2007.

On November 18, 2005, Greenville Timberline, LLC/National Land Partners, LLC posted a maintenance bond in the amount of \$13,291.00 as a defect guaranty to guarantee repair to any defective improvements.

Hyde County obtained an engineer's sealed certificate, stating that the road was built to proper specifications, prior to releasing the \$159,652.50 Bond in February, 2007.

On March 19, 2008 Hyde County Economic Developer/Planner Alice Keeney drove to the subdivision known as The Preserve in Currituck Township to assure that the road remains in good condition and has found it to be satisfactory.

Commissioner Davis moved to approve release of the \$13,291.00 Maintenance Bond for Greenville Timberline, LLC/National Land Partners, LLC for the defects guaranty. Mr. Swindell seconded the motion. The motion passed upon the following vote: Ayes – Armstrong, Swindell, Davis and Chairman Spencer; Nays – None; Absent or Not Voting - Ballance.

Approval of Administrator for Hyde County FY2007 CDBG Small Business and Entrepreneurial Assistance (SBEA) Grant:

Hyde County has been awarded an SBEA Grant that the Hyde County Board of Commissioners have approved and signed a Grant Agreement, a Funding Agreement, and a Project Ordinance. In February, 2008 Hyde County advertised for an administrator for the County FY2007 CDBG-SBEA program. Three firms; Albemarle Commission, Hobbs Upchurch, and Holland Consulting Planners submitted proposals for administration services by the deadline of March 12, 2008.

Based on Holland Consulting Planners, Inc.'s ability to provide Hyde County with the lowest bid, the highest score and Holland's current work on several grant projects within the County, Commissioner Swindell moved to approve awarding the FY2007 Hyde County CDBG-SBEA grant administration to Holland Consulting Planners, Inc. Ms. Armstrong seconded the motion. The motion passed upon the following vote: Ayes – Armstrong, Swindell, Davis and Chairman Spencer; Nays – None; Absent or Not Voting - Ballance.

Tax Collection Report:

The Board received report of all tax collections by the Hyde County Tax Office employees during the months of July, 2007; August, 2007; September, 2007; October, 2007; November, 2007; December, 2007; January, 2008; February, 2008; and March, 2008.

Commissioner Davis moved to approve all of the tax reports. Ms. Armstrong seconded the motion. The motion passed upon the following vote: Ayes – Armstrong, Swindell, Davis and Chairman Spencer; Nays – None; Absent or Not Voting - Ballance.

Approval of Subdivision for Gary L. Miller – Lot A, Timothy L. Miller – Lot B, and Pantego Overhead Doors – Lot C:

Commissioner Davis declared a conflict of interest with the subdivision application and asked to be excused.

Commissioner Swindell moved to excuse Mr. Davis from hearing discussion on this application. Ms. Armstrong seconded the motion. The motion passed upon the following vote: Ayes – Armstrong, Swindell, Davis and Chairman Spencer; Nays – None; Absent or Not Voting - Ballance.

Plat for the Miller Family Trust as prepared by Surveyor Hood Richardson is proposed to be divided as follows: Lot A – 10.26 acres to Garry L. Miller, Lot C – 2.29 acres to Pantego Overhead Door, LLC, and Lot B – 15.95 acres to Timothy L. Miller and Beverly D. Miller. Note that Lot B as presented in the survey is not in accordance with the Hyde County Subdivision ordinance as the easement is only 40 feet wide from Lot C and there is not an easement from lot B. Although Timothy L. and Beverly Miller own the lot adjoining Lot B, if Lot B and the lot recorded in DB 207, P 527 remain separate parcels there is no proper access to Lot B should that lot be sold separately in the future.

Commissioner Swindell moved to (after recombining of Lot B and the lot recorded in DB 207, P 527 in order to provide proper access to Lot B) approve the subdivision application. Ms. Armstrong seconded the motion. The motion passed upon the following vote: Ayes – Armstrong, Swindell, Davis and Chairman Spencer; Nays – None; Absent or Not Voting - Ballance.

Mr. Davis returned.

Reports:

Boards and Committees:

ORV – On Friday, while in Raleigh, Interim County Manager Carl Classen and Commissioner Davis attended a hearing on Off Road Vehicle driving on beaches. The hearing resulted in a continuance and will be heard again in approximately two weeks.

Albemarle Commission – Commissioner Armstrong reported that forty people attended the April 1 RPO meeting held in the Multi-Use Room of the Government Center. Ms. Armstrong reported the road to Columbia has been repaired and that Oregon Inlet Bridge is scheduled to be rebuilt by year 2010.

Joint School Facilities Committee – Commissioner Spencer reported the Joint School Facilities Committee meeting was productive. The Committee will look at alternative options to fund needs of the schools. A State consultant has been asked to assist with researching a recreation program.

Jail Use Committee – Commissioners Spencer and Swindell and Sheriff Mason discussed starting a Crime Stoppers Program in Hyde County.

County Commissioners Report:

Commissioner Davis asked the Board to excuse him from the April 21, 2008 Commissioners meeting as he will be out of town.

Commissioner Swindell moved to approve building permit applicants be required to reimburse the County for additional cost of inspections that require an inspection by a Level II inspector. Ms. Armstrong seconded the motion. The motion passed upon the following vote: Ayes – Armstrong, Swindell, Davis and Chairman Spencer; Nays – None; Absent or Not Voting - Ballance.

After review of a letter submitted by Sue Gurganus, Acting Tax Administrator, Commissioner Swindell moved to refund the assessed sanitation fee of \$300 to Mr. Al Kenneth Gibbs, Engelhard for a building he owns that due to poor condition of the structure can no longer be used as a store. Mr. Davis seconded the motion. The motion passed upon the following vote: Ayes – Armstrong, Swindell, Davis and Chairman Spencer; Nays – None; Absent or Not Voting - Ballance.

No other board or committee reports were offered so Chairman Spencer continued with the Agenda.

County Manager's Report:

Mattamuskeet Lodge Sewer Project – Interim County Manager Carl Classen reported that the Board of Education, Board of Commissioners and Senator Marc Basnight will meet to discuss funding available for the Mattamuskeet Lodge Sewer Project.

Ocracoke Commercial Waste Disposal Fees – Discussion continues with Ocracoke business owners in an effort to develop a suitable commercial waste fee.

Ponzer Convenience Site – Saturday, April 19, 2008 is the last day of operation for the Ponzer Convenience Site.

Solid Waste – RFP's should go out next week.

Ocracoke Road Signs – Mr. Classen congratulated Tony Spencer for work on DOT road signs on Ocracoke beaches. Signs will be up within a week.

Mr. Classen will meet with Interim Health Director Wesley Smith and Sheriff David Mason to discuss the Sheriff Department being charged for a County employee who received services that were required by the County at the Health Department.

Waterfront Access Marine Industry (WAMI) Fund Project Funding report from NCDENR announced thirteen sites have been selected for funding.

Mr. Classen handed out information from Beaufort-Hyde News related to placing an ad in the Hyde County: Guide to Businesses & Services. No action was taken.

Final applications will be developed by the Golden LEAF Foundation at a meeting scheduled for April 18, 2008.

NCDENR announced that \$23,100 in financial assistance for the final phase of the Hurricane Isabel emergency stream restoration project in Hyde County has been approved by the State of North Carolina.

Tax liens for the year 2007 upon real estate were advertised the 3rd day of April, 2008.

There being no further matters to come before the Commissioners, Mr. Davis moved to adjourn the meeting. Ms. Armstrong seconded the motion. The motion passed on the following vote:

Ayes – Armstrong, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – Ballance.

The meeting adjourned at 9:45 PM.

Respectfully submitted:

SEAL

Lois Stotesberry, Clerk to the Board of Commissioners

Charles Spencer, Chairman
Hyde County Board of Commissioners

ATTACHMENTS:

Exhibit A – *“Resolution to Amend Animal Control Ordinance”*

Exhibit B – *“Mattamuskeet Lodge Sewer Project Ordinance”*

Exhibit C – *“Budget Ordinance Amendment”*