

Meeting Minutes

Board of County Commissioners Hyde County

August 2, 2010

Chairman Tom Davis called the Regular Meeting of the Hyde County Board of Commissioners to order at 7:00 PM on Monday, August 2, 2010 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 Tom Davis, Sharon Spencer, Anson Byrd, and Ken Collier; County Attorney Sid Hassell; Interim County Manager/Clerk to the Board David Smitherman; Deputy Clerk to the Board Justin Gibbs; and members of the public. The following members were present on Ocracoke: Commissioner Darlene Styron; Deputy Clerk to the Board Jamie Tunnell; and members of the public.

Following the opening prayer given by Commissioner Anson Byrd and the Pledge of Allegiance, the meeting was called to order.

Consideration of the Agenda:

Chairman Davis asked for any changes to the August 2, 2010 revised meeting agenda as presented by the Clerk.

Chairman Davis requested that the following items be added to the agenda, Item IV. D. – Appointments – Albemarle Commission (At-Large Seat), Item IV. E. – Appointments – Northeastern Workforce Development Board, and Item III. D. – Ordinances and Resolutions – Potential Plan for the Oregon Inlet Bridge Replacement Project.

Commissioner Byrd asked that Item III. E. – Ordinances and Resolutions – Bear Baiting Law in Hyde County; be added to the agenda.

Commissioner Byrd moved to approve the revised agenda with the following amendments; Item IV. D. – Appointments – Albemarle Commission (At-Large Seat), Item IV. E. – Appointments – Northeastern Workforce Development Board, Item III. D. – Ordinances and Resolutions – Potential Plan for the Oregon Inlet Bridge Replacement Project, and Item III. E. – Ordinances and Resolutions – Bear Baiting Law in Hyde County. Commissioner Collier seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron
Nays – None

Consideration of Minutes:

Chairman Davis asked for the approval of minutes from the July 7, 2010 Special Meeting of the Hyde County Board of Commissioners and the July 19, 2010 Regular Meeting of the Hyde County Board of Commissioners.

Commissioner Collier moved to approved the minutes from the July 7, 2010 Special Meeting of the Hyde County Board of Commissioners. Commissioner Spencer seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron
Nays – None

Commissioner Byrd made a motion to approve the minutes from the July 19, 2010 Regular Meeting of the Hyde County Board of Commissioners. Commissioner Collier seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron
Nays - None

Public Hearings/Special Presentations/Public Comments:

Public Hearing – Hyde Transit – FY2010-2011 Rural Operating Assistance Program Application

Chairman Davis asked for a motion to open a public hearing regarding the Hyde Transit – FY2010-2011 Rural Operating Assistance Program Application.

Commissioner Collier made a motion to open the public hearing concerning the Hyde Transit – FY2010-2011 Rural Operating Assistance Program Application. Commissioner Spencer seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron
Nays – None

Beverly Paul, Transportation Coordinator, stated that the Rural Assistance Program Application amount for FY2010-2011 consisted of six different programs. The programs comprising the ROAP amount are as follows:

<u>Program</u>	<u>Amount</u>	<u>Compared to FY2009-2010</u>
Rural General Public.....	\$27,912.....	\$500 less than FY2009-2010
Elderly Transportation.....	\$35,547.....	\$300 less than FY2009-2010
Employment Transportation.....	\$2,917.....	\$1,000 more than FY2009-2010

Ms. Paul asked the Board to approve the sub-allocations requested by Hyde Transit and she also asked that the Chairman sign the certified statement provided with the Rural Operating Assistance Program Application.

Chairman Davis asked if any of the aforementioned programs required a local match. Ms. Paul replied that the Rural General Public Program required a ten percent local match.

Chairman Davis asked if there were any further questions regarding the Rural Operating Assistance Program Application.

Commissioner Collier asked the Transportation Coordinator what condition the vehicles were in. Ms. Paul stated that most of the vehicles were fairly new and that Hyde Transit had replaced four vehicles within the past two years. Ms. Paul further stated that two more vehicles will be replaced this fall and that the oldest vehicle in the fleet was a 2005 model.

Commissioner Spencer commended Hyde Transit for extending their services to provide transportation during the night time hours.

Commissioner Byrd made a motion to close the public hearing for the FY2010-2011 Rural Operating Assistance Program Application. Commissioner Collier seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron
Nays – None

Commissioner Spencer made a motion to approve the sub-allocations and to allow the Chairman to sign the certified statement provided in the Rural Operating Assistance Program Application. Commissioner Byrd seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron
Nays – None

Community Development Block Grant (CDBG) Scattered Site Funding for FY10

Chairman Davis asked for a motion to open a public hearing pertaining to the Community Development Block Grant (CDBG) Scattered Site Funding for FY10. Commissioner Collier made a motion to open the public hearing. Commissioner Styron seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron
Nays – None

Rural General Public Supplemental... \$24,730..... \$274 less than FY2009-2010
Elderly Trans. Supplemental..... \$20,489..... \$3 less than FY2009-2010
Employment Trans. Supplemental... \$3,660..... \$1,200 more than FY2009-2010

Rural General Public

The Transportation Coordinator informed the Board that the Rural General Public Program serves two functions, the program provides for in-county transportation and employment transportation. Ms. Paul said that there has been a thirty seven percent increase in the people utilizing these services and that they have noticed an increase in the number of passengers utilizing the service for employment transportation, which may be attributed to the economy.

Elderly Transportation

Ms. Paul stated that the Elderly/Disabled Transportation Systems Program is used to transport eligible citizens to out-of-town appointments, as well as in-town appointments.

Employment Transportation

The Transportation Coordinator explained that the Employment Transportation Program is used to provide one month of free transportation to individuals that are newly employed.

Rural General Public Supplemental

The Rural General Public Program provides out-of-town transportation for citizens to access services that cannot be found inside the county.

Employment Transportation Supplemental

The Transportation Coordinator stated that at some point Hyde Transit was going to combine the supplemental programs. Ms. Paul informed the Board that the State allows additional funding for supplemental programs that provide new services or extend the hours of service and that the Hyde County School System had inquired about providing transportation to parenting classes that will be held at night. Ms. Paul said that Hyde Transit was going to try extending the hours of service from 5 PM to 9 PM to meet the demands of the public and that the extended hours would go into effect this fall. Ms. Paul further stated that the program would be utilized to transport migrant workers to English classes and it would also provide transportation to youth league baseball games.

Chris Hilbert, Holland Consulting and Planners, stated that Holland Consulting was under contract to complete the County's application for 2010 Scattered Site Funding and that they had just completed the close out for 2007 successfully. Mr. Hilbert stated that they are required to hold two public hearings, one for community input and the other to review the budget. Mr. Hilbert informed the Board that the plan is to utilize the list developed over the past three to five years and that approximately 80 people have called in regarding the Scattered Site Program. Mr. Hilbert explained that many of the people that have expressed an interest in the program need elevation assistance and some are in dilapidated housing. Mr. Hilbert stated that Holland Consulting tries to find programs to meet the needs of the citizens that have expressed a need, but the Scattered Site Program is mainly utilized for the replacement of dilapidated housing.

Commissioner Collier asked what criteria were necessary to be eligible for this program. Mr. Hilbert replied that the applications were divided in categories based on what is considered special population; which means that the applicant must be elderly, disabled, a wage earner with dependents, or low income. Mr. Hilbert said that the main criteria, requires that the dwelling be owner occupied and that the applicant must provide proof of ownership and that the taxes have been paid.

Commissioner Spencer asked how many homes could be replaced with \$400,000. Mr. Hilbert stated that they should be able to replace four homes. He said that in most cases they try to construct frame built homes, but in some cases they provided manufactured housing. Mr. Hilbert further stated that the number of houses replaced was dependent on the number of applications and the needs of the applicants.

Commissioner Spencer asked if Holland Consulting was still trying to utilize the workforce from Hyde County to complete the construction projects. Mr. Hilbert stated that it was difficult to utilize the local workforce because certain criteria must be met. Mr. Hilbert further explained that they probably do see some local workers on the construction projects but most likely they are the general contractors and this could be due to the complexity of the projects.

Due to no further questions from the public in attendance, Chairman Davis asked for a motion to close the public hearing. Commissioner Spencer made a motion to close the public hearing regarding the Community Development Block Grant (CDBG) Scattered Site Funding for FY10. Commissioner Styron seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron

Nays – None

CDBG-R – Request to Receive Additional Funding for the Replacement of Dilapidated Homes

Commissioner Byrd made a motion to open a public hearing regarding a request for additional funding for the replacement of dilapidated homes. Commissioner Collier seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron
Nays – None

Chris Hilbert, Holland Consulting and Planners, explained that the County received a CDBG-R project that was applied for about this time last year and that the funding could be utilized to execute a recovery project. Mr. Hilbert stated that the County received \$300,000 to help three households and that Hyde County had to obligate all funds by June 30th of this year. Mr. Hilbert informed the Board that one of the houses had been completed and that the other two households were substantially underway. Mr. Hilbert explained that the County is eligible to apply for additional funds that other counties have not utilized because they were not able to obligate their funds. Mr. Hilbert stated that the County was eligible to apply for up to \$200,000 more because the maximum amount that can be received is \$500,000. Mr. Hilbert reported that the first three units replaced by this program were determined through the applications received during the 2007 Scattered Site Program and that they received more applications than they had funds. Mr. Hilbert stated that they still had a number of applicants that needed assistance and that these applicants were residing in dilapidated housing. Mr. Hilbert asked the Board to approve the submission of an amendment to receive an additional \$200,000 in CDBG-R funds. Mr. Hilbert stated that this public hearing was required in order to submit the amendment for additional funding.

Commissioner Collier asked if the criteria for this program were the same as the Scattered Site Program. Mr. Hilbert replied that the applicants for this program had been identified during the 2007 Scattered Site application process and that they would just be updating their information.

Chairman Davis asked if there were any local matches required by this program. Mr. Hilbert replied that there were no local matches required and that there were no matches required by the Scattered Site Program.

Chairman Davis asked if there were any public comments on the mainland or Ocracoke. With no public comments, Chairman Davis asked for a motion to close the public hearing.

Commissioner Byrd made motion to close the public hearing regarding a request for additional funding for the replacement of dilapidated homes. Commissioner Collier seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron
Nays – None

Chairman Davis asked Mr. Hilbert if he needed a resolution approved at this meeting. Mr. Hilbert asked the Board to approve the Chairman to sign the amendment.

Commissioner Byrd made a motion to allow the Chairman to sign the amendment requesting an additional \$200,000 in CDBG-R funds. Commissioner Collier seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron

Nays – None

Mainland Hyde County Occupancy Tax Board-Tourism Website

Mark Carawan, Chairman of the Mainland Hyde County Occupancy Tax Board, stated that earlier this year the previous County Manager, Carl Classen, asked the Board to approve a tourism website for the Mainland Hyde County Occupancy Tax Board. Mr. Carawan said that Mr. Classen only advertised the request for proposals in Dare County.

At the April 5, 2010 Meeting of the Hyde County Board of Commissioners the Mainland Occupancy Tax Board presented the Commissioners with four ranked proposals, a committee of Mainland Occupancy Tax Board members ranked the submissions as follows:

1. Jonathon Clark, Outer Banks TV, Kill Devil Hills
2. Sean Death, Ocracoke
3. IBX Services, Swan Quarter
4. Bold Print Design Services, Kill Devil Hills

The committee ranked the proposals based upon a review of each of the proposals with a focus on website experience, tourism website experience, working with rural areas and/or citizen committees, proposal presentation, and the estimated cost to complete the project.

At the April 5, 2010 meeting, the Board of Commissioners approved the ranking submitted by the Mainland Occupancy Tax Board Committee and directed the previous County Manger to work with the committee to negotiate a contract to provide a mainland tourism website. The Board of Commissioners agreed that if it was determined by the committee that Outer Banks TV could not provide the services desired and/ or a contract could not be agreed upon, then the County Manager and the committee could enter negotiations with the remaining bidders until a consensus could be reached.

The Chairman of the Mainland Occupancy Tax Board informed the Commissioners that he received a preliminary draft of the introductory page for the mainland tourism website and that he felt that the images depicted on the page were unsatisfactory. Mr. Carawan state that when the Mainland Occupancy Tax Board met with the vendor, they requested that all of the images displayed on the tourism website be actual photographs from Hyde County. Mr. Carawan further stated that he was informed by the vendor that a contract was never executed between Hyde County and Outer Banks TV for the development of

the mainland tourism website. Mr. Carawan asked the Board to consider allowing the Mainland Occupancy Tax Board to discontinue the services being provided by Outer Banks TV and to allow them to seek other qualified vendors.

Commissioner Byrd pointed out that the photos on the introductory page displayed the terms stock photo. Mr. Carawan replied that the images displayed on the introductory page were graphics that could be purchased on the internet.

Mr. Carawan said that the vendor informed him that he had received a letter of commitment from the County but no formal contract had been executed for the provision of his services.

The County Attorney asked the Board to refrain from any further discussion on the matter and requested that the Board allow the Interim County Manager to investigate the status of the project before any decision was made regarding the mainland tourism website.

East Carolina Behavioral Health (ECBH) – Annual Report

Roy Wilson, CEO of East Carolina Behavior Health, stated that the North Carolina General Statutes required at least one program and financial update annually and that this update must be presented to the Board of Commissioners of each county contained in the encashment area. The CEO of East Carolina Behavioral Health informed the Board that the financial update would be mailed to them. Mr. Wilson stated that the program update contained two documents, one being a community planning needs assessment that was prepared by the Behavior Health Research Program at the University of North Carolina-Chapel Hill. Mr. Wilson informed the Commissioners that the community planning needs assessment served as a statistical and diagnostic tool for each of the counties in their service area and from this data a site assessment was conducted and a statement of need was prepared. Mr. Wilson said that there was a lot of fascinating information contained in the needs assessment and that ECBH would rely heavily on this assessment during the planning process, as far as determining the types of services to be provided in the different counties. Mr. Wilson said that the assessment was too lengthy to go through, but urged the Commissioners to review the document.

Mr. Wilson stated that the second unbound document provided to the Board, contained the ECBH Initiatives for 2009 and 2010. Mr. Wilson further stated that the initiatives detail the actions taken by ECBH thus far, in response to the needs prescribed by the Behavioral Health Research Program. The CEO of ECBH said that he hoped the initiatives would instill a confidence in the actions that his organization had taken thus far. Mr. Wilson reported that they had conducted the first area board meeting of the combined entities in Martin County and that it went extremely well and was well attended. The CEO said that his organization acknowledged that many of the counties in the encashment are experiencing economic woes due to the financial climate, but he said that ECBH had experienced tough economic times before and that the organization had provided and would continue to provide more than adequate services. Mr. Wilson asked if the Board had any questions for him.

Commissioner Byrd said that Sheriff Mason of the HCSO had some questions, but that he was not in attendance. Mr. Wilson replied that any questions could be emailed to him and that he would be glad to respond to them. Mr. Wilson further stated that his staff would be available to the County at all times, in order to address any questions regarding the services being provided by ECBH.

Mr. Wilson asked Patty Joyner of the ECBH Finance Department, to deliver the fiscal monitoring report. Ms. Joyner asked the Board to refer to the fiscal monitoring report contained in their agenda packets; Ms. Joyner stated that the report was required by the Division of Mental Health and that ECBH delivered this report to each of the counties in the encashment area. Ms. Joyner asked the Commissioners to refer to the third column of the report and stated that this column reflected the current year budget. Ms. Joyner said that the left hand side of the report represented the revenue items and showed the different funding sources. Ms. Joyner informed the Board that column four represented the actual expenditures and revenues that had been received to date. The ECBH Finance Officer said that this was the March 31, 2010 report and that this was the last report required before the year end report that will be generated later in the month and that the year end report would be delivered at a later date. Chairman Davis asked if the fiscal year ended on June 30. Ms. Joyner confirmed that the fiscal year ended on June 30 and she reported that the fiscal year was 75 percent complete when the report before the Commissioners was generated. The Finance Officer informed the Commissioners that when ECBH took over the services being provided in Hyde County, that ECBH assumed a deficit and that they have been able to restore the budget to a positive state. The Interim County Manager asked if this report would be the last time that the counties were reported separately. Ms. Joyner replied that the June 30 year end report would be the last time that the counties were reported separately, but that ECBH would still deliver a financial report unique to Hyde County. Chairman Davis asked if there were any further questions.

Mr. Wilson stated that he failed to mention that ECBH had conducted a public meeting in Hyde County to collect thoughts and ideas from the public. Mr. Wilson said that he was pleased with the attendance and the results of that public hearing. Chairman Davis thanked the ECBH representatives for their presentation.

Public Comments

The Chairman asked for public comments starting on Ocracoke, with no comments being offered on Ocracoke the Chairman asked if there were any public comments on the mainland.

Amanda Schmitt, Engelhard resident – Ms. Schmitt stated that she had observed the tattered American Flag flying on the flag pole in front of the Hyde County Government Center and felt that the County could afford a better Flag to pay tribute to the soldiers that are currently fighting overseas and the soldiers that died for their country. Ms. Schmitt stated she felt disgraced by the condition of the American Flag on display.

Chairman Davis asked if there were any further public comments on the mainland, with no further comments the Board moved on with the agenda.

Resolution to Designate a Portion of New Holland Rd (SR 1330) as “No Parking”

Chairman Davis stated that he believed that the portion of New Holland Road being referenced by this request, was located directly in front of the cabins owned by Mark Carawan and that the resolution would request the NC DOT to consider designating this portion of SR 1330 as “No Parking.” Chairman Davis stated that he felt that the Board could handle this matter quite expeditiously unless there was something that was contingent regarding the request for designation as “No Parking.”

Commissioner Byrd made a motion for the County to submit a resolution to the North Carolina Department of Transportation requesting that the referenced portion of New Holland Road (SR 1330) be designated “No Parking.” Commissioner Spencer seconded the motion. Chairman Davis asked if there were any further questions regarding the requested resolution.

Commissioner Styron asked if someone could provide a further description of the property in reference. Chairman Davis replied that the property was bounded by New Holland Road on the east and that New Holland Road had a narrow shoulder and a steep embankment along the Outfall Canal. Chairman Davis said that the property was bounded on the north by the Mattamuskeet Wildlife Refuge. Chairman Davis further stated that there was a large parking lot located within 100 feet of the referenced portion of SR 1330, but that people were parking along the roadway blocking access to the cabins owned by Mr. Carawan.

With no further questions, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron
Nays – None

Energy Efficiency Grant Project Ordinance

The Interim County Manager stated that the following two items needed project ordinances because it is required that the funds do not commingle with the County’s regular accounts and that the County will be establishing these as separate accounts, the amounts reflected in the ordinances are the amounts of the grants. Commissioner Byrd asked if there was any match required by Energy Efficiency Grant. The Interim County Manager replied that no match was required.

Chairman Davis moved to approve the project ordinance for the Energy Efficiency Grant. Commissioner Collier seconded the motion; Chairman Davis asked if there were any further questions.

Commissioner Spencer asked if the Department of Commerce awarded these funds. The Interim County Manager confirmed that the Department of Commerce awarded the funding and that the funds were federal stimulus money that had been awarded to approximately eight sites. Mr. Smitherman further stated that at this point he was unsure who would administer the grant, but that he had considered hiring a firm to administer the entire grant and that he did not want any of the staff involved in the administration because it would only be an additional burden. Mr. Smitherman said that the funds allow for the administration of the grant and that he was meeting with the firm that helped the County apply for the Energy Efficiency Grant, in regards to providing administration services for the project. The Interim County Manager informed the Board that he would bring this item back to them to award the contract for administration services. Mr. Smitherman stated that he would also discuss the matter with the Workforce Development representatives with the Albemarle Commission.

With no further questions, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron

Nays – None

Amendment of Swan Quarter Dike Phase XIII Project Ordinance

Chairman Davis asked for a motion to approve the amendment of the Swan Quarter Dike Phase XIII Project Ordinance.

Chairman Davis moved to approve the amendment of the Swan Quarter Dike Phase XIII Project Ordinance. Commissioner Byrd seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron

Nays – None

Resolution Regarding the Bonner Bridge Proposed Replacement

Chairman Davis stated that he had overheard some discussion regarding the replacement of the Bonner Bridge with a ferry service. Chairman Davis further stated that this would be catastrophic for everything south of Oregon Inlet and that commerce in the referenced area would stop and property values that had plummeted would only plummet further. Chairman Davis said that this would also result in a nightmare when trying to evacuate the barrier islands in an emergency. Chairman Davis asked the Board to approve a resolution opposing the proposed replacement of the Bonner Bridge with a ferry services and the authority to send the proposed resolution to the appropriate entities.

Commissioner Byrd made a motion approving a resolution to be written and submitted to the proper entities, opposing the proposed replacement of the Bonner Bridge with a ferry service. Commissioner Collier seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron

Nays – None

Resolution Regarding Bear Baiting Law in Hyde County

Commissioner Byrd requested that a resolution be submitted to the Wildlife Resources Commission asking that bear baiting be allowed in Hyde County. Commissioner Byrd stated that dog hunters are allowed to bait bear in Hyde County and that he felt that still hunters should be allowed to enjoy the same privileges as dog hunters. Commissioner Byrd stated that he had discussed this matter with Gordon Myers, Executive Director of the North Carolina Wildlife Resources Commission, and Representative Tim Spears, but they were going to need some type of resolution in order to address the issue.

Commissioner Byrd made a motion to approve a resolution to be submitted to the North Carolina Wildlife Resources Commission regarding the amendment of the bear baiting laws in Hyde County, to include allowing still hunters to bait bear in Hyde County. Commissioner Davis seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron

Nays – None

Appointment – Hyde County Child Fatality Prevention Team

Commissioner Spencer stated that she believed that Mr. Wesley Smith, Health Director and Chair of the Hyde County Child Fatality Prevention Team, requested that Eve Contreras be appointed to fill the vacant emergency medical services/firefighter position on the team.

Commissioner Byrd made a motion to accept the recommendation by the Chair of the Hyde County Child Fatality Prevention Team, appointing Ms. Eve Contreras to fill the vacant emergency medical services/fighter position on the team. Commissioner Spencer seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron

Nays – None

Appointment – Ocracoke Board of Adjustment

Chairman Davis said that he was under the impression that the Chairman of the Ocracoke Board of Adjustment was deceased. Commissioner Styron also stated that the remaining terms on the board were expired. Commissioner Styron asked that any appointments to the Ocracoke Board of Adjustment be tabled until the next meeting of the Hyde County Board of Commissioners.

Commissioner Styron made a motion to table any appointments to the Ocracoke Board of Adjustment until the September 7, 2010 regular meeting of the Hyde County Board of Commissioners. Commissioner Spencer seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron
Nays – None

Appointment – Ocracoke Mosquito Control Board

Commissioner Styron stated that she had spoken with the members of the Ocracoke Mosquito Control Board and that she was recommending the following appointments:

Rex O’Neal – 2 year term
Rhonda Mason – 1 year term
Gerald “Tyke” Ely – 3 year term, replacing Jennifer Garrish

The County Attorney asked Commissioner Styron if she would like the terms to expire on December 31 or if she wanted the terms to be tied to the fiscal year. Commissioner Styron recommended that the terms be tied to the fiscal year and expire on June 30.

Commissioner Styron made a motion to approve appointing Rhonda Mason for a one year term, Rex O’Neal for a two year term, and Gerald “Tyke” Ely for a three year term, with the terms being tied to the fiscal year and expiring on June 30 of the corresponding year as dictated by the term length. Commissioner Byrd seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron
Nays – None

Commissioner Spencer made a motion requesting that a resolution be submitted to the Secretary of the Department of Environmental and Natural Resources, asking DENR to appoint someone to fill the position that was left vacant by Mr. Waller. Commissioner Byrd seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron
Nays – None

Appointment – Albemarle Commission (at-large seat)

Commissioner Byrd recommended that Janet Russ be appointed to fill the vacant at large-seat on the Albemarle Commission.

Commissioner Byrd made a motion to appoint Janet Russ to fill the at-large seat on the Albemarle Commission. Commissioner Spencer seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron

Nays – None

Appointment – Northeastern Workforce Development Board

Commissioner Spencer informed the Board that she had received an email from the Albemarle Commission stating that they were revising the structure of the North eastern Workforce Development, but Commissioner Spencer stated that a position was available for a representative from Hyde County. Commissioner Spencer said that the Albemarle Commission was seeking a business owner, retired business owner, or executive to fill the position on the board. Commissioner Spencer reported that she had spoken with several of the younger business owners in the County, but she urged the Board to obtain several potential appointees for the position. Commissioner Spencer stated that the position was very important because the Northeastern Workforce Development Board had obtained \$4,000,000.00 in workforce development funds for the ten counties that comprised the board. The Interim County Manager asked if the appointment should be placed on the September 7, 2010 agenda. Chairman Davis requested the appointed be place on the next meeting agenda.

Budget Revisions and Transfers

The Interim County Manager stated that the Health Department requested a budget amendment and that there were several amendments requested by the Board. Chairman Davis requested that the Health Director inform the Commissioners on the budget amendment requested by his department.

Mr. Smith, Health Director, stated that the Health Department received \$1,500.00 and that there was no direction on how to spend the funds, but the Health Department, in coordination with the NC Public Health Foundation, intended to utilize the funds to establish a program at the local level to provide diabetes self-management education for the uninsured and underinsured. Mr. Smith stated that \$300.00 had been spent in the last fiscal year and in order to retain the remaining funding, the funds had to be obligated within the current fiscal year.

Commissioner Byrd made a motion approving the obligation of the \$1,500.00 received by the Health Department, in order to establish a diabetes self-management education program for the uninsured and underinsured. Commissioner Spencer seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron

Nays – None

Chairman Davis asked that the Animal Control budget revision be addressed later in the agenda.

Chairman Davis stated that the Board had approved a requested expenditure for the repairs needed at the Ponzer Ruritan Center in the amount of \$1,245.84 and the referenced budget amendment would allow for the bookkeeping entries to be made.

Commissioner Collier made a motion approving the budget amendment for the repairs needed at the Ponzer Ruritan Center, in the amount of \$1,245.84. Commissioner Spencer seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Spencer
Nays – None

Chairman Davis stated that the Board had approved an increase to the NC Forest Service budget in the amount of \$19,850.00 and that the budget amendment would allow for the bookkeeping entries to be made.

Commissioner Byrd made a motion to approving the budget amendment for the NC Forest Service, in the amount of \$19,850.00. Commissioner Spencer seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron
Nays – None

Tax Releases

Chairman Davis informed the Board that the Tax Office submitted approximately 13 tax releases in the amount of \$1,438.28, with the largest being \$251.19 and the smallest being \$2.85. The Chairman asked for a motion approving the submitted tax releases.

Commissioner Collier made a motion approving the tax releases submitted by the Hyde County Tax Office, in the amount of \$1,438.28. Commissioner Byrd seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron
Nays – None

Tax Refunds

Chairman Davis informed the Board that the request for refund that was submitted by the Tax Office was in regards to one acre of land owned by Mr. Jack Mason. Chairman Davis reported that the land had been double listed and that Mr. Mason was requesting a refund in the amount of \$405.05. The Chairman asked the County Attorney if the funds could be refunded. The County Attorney stated that he was unsure, but was under the impression that the funds could not be refunded. Chairman Davis recommended approving the refund contingent upon the County Attorney's approval.

Chairman Davis made a motion to approve the tax refund request submitted by the Hyde County Tax Office in the amount of \$405.05, contingent upon the County Attorney's approval. Commissioner Byrd seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron
Nays – None

Ocracoke Road Abandonment – Winnie Blount Road

Commissioner Styron made a motion to adopt the drafted resolution abandoning the referenced portion of Winnie Blount Road on Ocracoke Island. Commissioner Spencer seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron
Nays – None

Register of Deeds – Contract for Scanning Services

Merita Spencer, Hyde County Register of Deeds, said that at the beginning of the year the Register of Deeds Office contracted with Cadence Cahoon to scan and copy the vital records housed with the Register of Deeds Office. Ms. Spencer stated that Ms. Cahoon was very thorough and meticulous when dealing with the vital records and informed the Board that the Register of Deeds Office had the funds available in the Automation and Enhancement Preservation Fund to pay for Ms. Cahoon's services. The Register of Deeds requested that the Board approve entering a contract with Ms. Cahoon to complete the project that she started at the beginning of the year.

Pam Sawyer of the Register of Deeds Office stated that after Hurricane Isabelle that many of the records had to be radiated and in order to preserve these records, scanning would be required.

Commissioner Spencer asked the County Attorney if he felt that the contract was sufficient. The County Attorney replied that he felt the contract was acceptable in regard to the nature of the services being provided.

Commissioner Spencer made a motion to approve the Register of Deeds Office to enter a contract with Ms. Cadence Cahoon for the scanning and copying of vital records. Commissioner Collier seconded the motion; the Chairman asked if there was any further discussion regarding the contract for scanning services.

Chairman Davis stated that he felt that the vital records needed to be scanned, but that contracting work after a workforce reduction would be hard to justify.

Commissioner Spencer said that N.C.G.S. 161-11.3 states that the funds appropriated for the automation and enhancement of vital records must be used to provide those services

and she felt that the County should utilize the funds. Commissioner Collier asked if the position was a part-time. Pam Sawyer replied that the position was part-time and that the funds were not coming from the general fund. The Register of Deeds informed the Board that the funds had been appropriated since 2002.

With no further comments, the motion passed by the following vote:

Ayes – Commissioners Spencer, Byrd, Collier, and Styron

Nays – Commissioner Davis

Animal Control

The Interim County Manager stated that at the last meeting the Board directed him to work with the Health Director to proceed with other arrangements, including but not limited to negotiations with Mr. Eakes for animal shelter and animal control services. Mr. Smitherman further stated that they met with Mr. Eakes regarding the aforementioned services and some additional compromise had been reached with respect to a portion of the agreements for animal shelter and animal control services. Mr. Smitherman informed the Board that the shelter agreement reflects a relationship in which the County would pay \$15,000.00 in monthly installments for use of the shelter and Mr. Eakes would provide all of the food, medicine, electric, etc.

Mr. Smitherman stated that he based the agreement for animal control services on the principle espoused by the County, which dictated that the parties involved needed to be more certain of the costs and the services needed to be acutely defined. The Interim County Manager reported that he stood fast to a payment per call arrangement with Mr. Eakes, but Mr. Eakes felt that there should be some minimum amount of compensation for his services. Mr. Smitherman informed the Board that they had worked out a hybrid arrangement with Mr. Eakes and this arrangement guaranteed him \$7,000.00 annually, but the amount would be paid in monthly installments. The minimum compensation amount entitles Mr. Eakes to provide the County with three calls for service per month on the mainland and for the fourth or any additional calls on the mainland the County would be charged a fee of \$125.00. The Interim County Manager stated that Mr. Eakes would be paid on a per call basis for Ocracoke Island and that the fee for these calls would be \$225.00. Mr. Smitherman further stated that this is a different relationship and a different service, because the animal control officer would only respond to dangerous animals, vicious animals, rabies cases, and cases of animal cruelty or neglect. Mr. Smitherman reported that Mr. Eakes did agree in principle to the two agreements, but had requested that the County provide him with a cell phone. Mr. Smitherman stated that the cell phone provision was not included in either of the two documents before the Board for consideration and that he estimated that at a bare minimum, this was a \$27,000.00 commitment. The Chairman asked if the call totals would roll over to the following month. Mr. Smitherman replied that the totals were specific to the month.

Commissioner Spencer made a motion to approve the animal shelter and animal control service contracts as written. Commissioner Byrd seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Spencer, Byrd, Collier, and Styron
Nays – Commissioner Davis

Commissioner Spencer made a motion to approve a budget amendment in the amount of \$27,000.00 for Animal Control Services. Commissioner Byrd seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron
Nays – None

County Commissioners' Reports

Commissioner Byrd – Commissioner Byrd stated that he agreed with Ms. Schmitt regarding the condition of the American Flag in front of the Hyde County Government Center and requested that the Flag be replaced.

Commissioner Spencer – Commissioner Spencer said that she received an email from the NC Association of County Commissioners stating that the County would be receiving the County Courthouse Award at the conference that the most of the Board members were attending on Friday and only three counties received this award nationally. Commissioner Spencer further stated that the County also received a \$5,000.00 scholarship along with the award and that she had decided that it would be split between the mainland and Ocracoke Island.

Commissioner Collier – Commissioner Collier said that he was pleased to report that there had been positive changes at Cross Creek Nursing Home and that he had attended a site inspection as a member of the oversight committee and he felt that things had turned around one hundred percent. Commissioner Collier asked Mr. Smitherman if the government center and jail had occupancy certificates. The Interim County Manager stated that he had been made aware of this issue and that since the work had been completed on the buildings that the County could apply for the referenced certificates. Commissioner Collier also reported that he had read an article in the Beaufort-Hyde News that stated a ferry service may be run from Belhaven to Ocracoke and he felt that this would be bad for Hyde County's economy with respect to the reduced flow of traffic accessing the Swan Quarter Ferry Service. Commissioner Styron requested that a copy of the article, referenced by Commissioner Collier.

Commissioner Styron – Commissioner Styron stated that she was looking forward to meeting the new principal that had been hired at the Ocracoke School.

Commissioner Davis – Commissioner Davis requested that the Board pay close attention to the proposed Bonner Bridge replacement, especially regarding replacing the bridge with a ferry service.

County Manager's Report

The Interim County Manager presented the Board with the bid results for professional inspection services for Phase XIII of the Swan Quarter Dike Project. Mr. Smitherman stated that the County would conduct interviews and return to the Board with a recommendation in the coming weeks.

The Interim County Manager presented the Commissioners with a surplus property disposition list and requested that the Board approve the County to dispose of the listed items. The list included the following:

- A 1993 model ambulance
- Two sets of chairs
- A single chair
- A lawnmower
- A printer
- A scanner
- A printer/scanner/copier
- A small printer

Chairman Davis asked what the auction price would be for these items. The Interim County Manager replied that the prices listed on the disposition would be the starting auction prices.

Chairman Davis made a motion to approve the County to auction off the items on the surplus item disposition list, with all the items estimated to be worth less than \$50.00 being zeroed out on the starting bid. Commissioner Byrd seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron

Nays – None

The Interim County Manager urged the new Board members to be involved with the NC Association of County Commissioners Legislative Goals Process and informed the Commissioners that the deadline for submissions will be September 15, 2010. Mr. Smitherman reported that the NCACC was investigating the amount of money being spent by the counties for required advertisement and he had obtained figures for Hyde County and found that the County spends approximately \$15,000.00 annually on required advertisement. Mr. Smtiherman stated that there were several counties and municipalities that were exempted from the charges for required advertisement and that he felt that it was something that Hyde County should investigate further.

Mr. Smitherman stated that there were a lot of people discussing the Mattamuskeet Sewer Project and there was a meeting tentatively schedule for Wednesday to discuss the funding for this project, but he did not feel that the meeting would take place this week. Mr. Smitherman said that the point is that a number of people know that there is a funding deficiency on this project and everyone is committed to making this project work. Mr. Smitherman further stated that there is a narrow window on the Mattamuskeet Sewer Project and that the timeline must stay ahead of the Mattamuskeet Lodge Rehabilitation Project.

Mr. Smitherman said that he would be meeting with the Superintendent of the School System on Wednesday to discuss their proposed bond project, which he has been told that they are negotiating the final pricing with the construction manager at risk. Mr. Smitherman informed the Board that there would be one final decisive action required by the Board to submit an application to the Local Government Commission to borrow the funds and that the vote would be before the Board as soon as the next meeting.

Mr. Smitherman stated that he was able to visit Commissioner Styron on Ocracoke and he reported that it was a very productive trip.

Monthly Department Reports

Chairman Davis asked for approval from the Board to sign the monthly tax report.

Commissioner Byrd made a motion approving the monthly tax report and to allow the Chairman to sign the document. Commissioner Spencer seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron

Nays – None

The Interim County Manager requested that the Board approve the Health Department to donate a sofa to Innerbanks Hotline.

Chairman Davis made a motion approving the donation of a sofa to the Innerbanks Hotline. Commissioner Byrd seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron

Nays – None

Closed Session

Commissioner Byrd made a motion for the Board to enter closed session pursuant to N.C.G.S. 143-318.11(a) (3). Commissioner Spencer seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron
Nays – None

Commissioner Byrd made a motion for the Board to return from closed session.
Commissioner Collier seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron
Nays – None

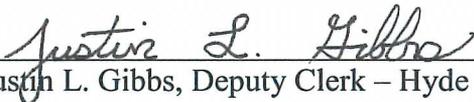
Commissioner Byrd made a motion for the Board to adjourn the August 2, 2010 Regular Meeting of the Hyde County Board of Commissioners. Commissioner Spencer seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron
Nays – None

The August 2, 2010 Regular Meeting of the Hyde County Board of Commissioners adjourned at 8:40 PM.

Respectfully submitted:

Minutes approved on the 22nd day of September, 2010.


Justin L. Gibbs, Deputy Clerk – Hyde County Board of Commissioners


Tom Davis, Chairman – Hyde County Board of Commissioners

